



ADUR DISTRICT COUNCIL

10 March 2023

Adur Planning Committee	
Date:	20 March 2023
Time:	6.30 pm
Venue:	QEII Room, Shoreham Centre, Shoreham-by-Sea

Committee Membership: Councillors Carol Albury (Chair), Jeremy Gardner, Carol O'Neal, Vee Barton, Mandy Buxton, Dan Flower, Jim Funnell, Joe Pannell (Vice-Chair) and Julian Shinn

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail democratic.services@adur-worthing.gov.uk before **midday** on **Friday 17 March 2023**.

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Declarations of Interest

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

3. Public Question Time

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by **midday** on **15 March 2023**.

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services –
democratic.services@adur-worthing.gov.uk

(Note: Public Question Time will last for a maximum of 30 minutes)

4. Members Questions

Pre-submitted Members questions are pursuant to rule 12 of the Council & Committee Procedure Rules.

Questions should be submitted by **midday** on **15 March 2023** to Democratic Services, democratic.services@adur-worthing.gov.uk

(Note: Member Question Time will operate for a maximum of 30 minutes.)

5. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on **6 March 2023**, which have been emailed to Members.

6. Items Raised Under Urgency Provisions

To consider any items the Chair of the meeting considers urgent.

7. Planning Applications (Pages 5 - 104)

To consider the reports by the Director for the Economy, attached as Item 7.

8. Proposed Revision to Pre-Application Charging Fees (Pages 105 - 118)

Report by the Director for Economy, attached as item 8.

Part B - Not for publication - Exempt Information Reports

Recording of this meeting

Please note that this meeting is being audio live streamed and a recording of the meeting will be available on the Council's website. This meeting will be available on our website for one year and will be deleted after that period. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Katy McMullan Democratic Services Officer 01903 221006 katy.mcmullan@adur-worthing.gov.uk	Caroline Perry Senior Lawyer & Deputy Monitoring Officer 01903 221081 Caroline.perry@adur-worthing.gov.uk

Duration of the Meeting: Three hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

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ADUR DISTRICT
COUNCIL

Planning Committee
20 March 2023

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

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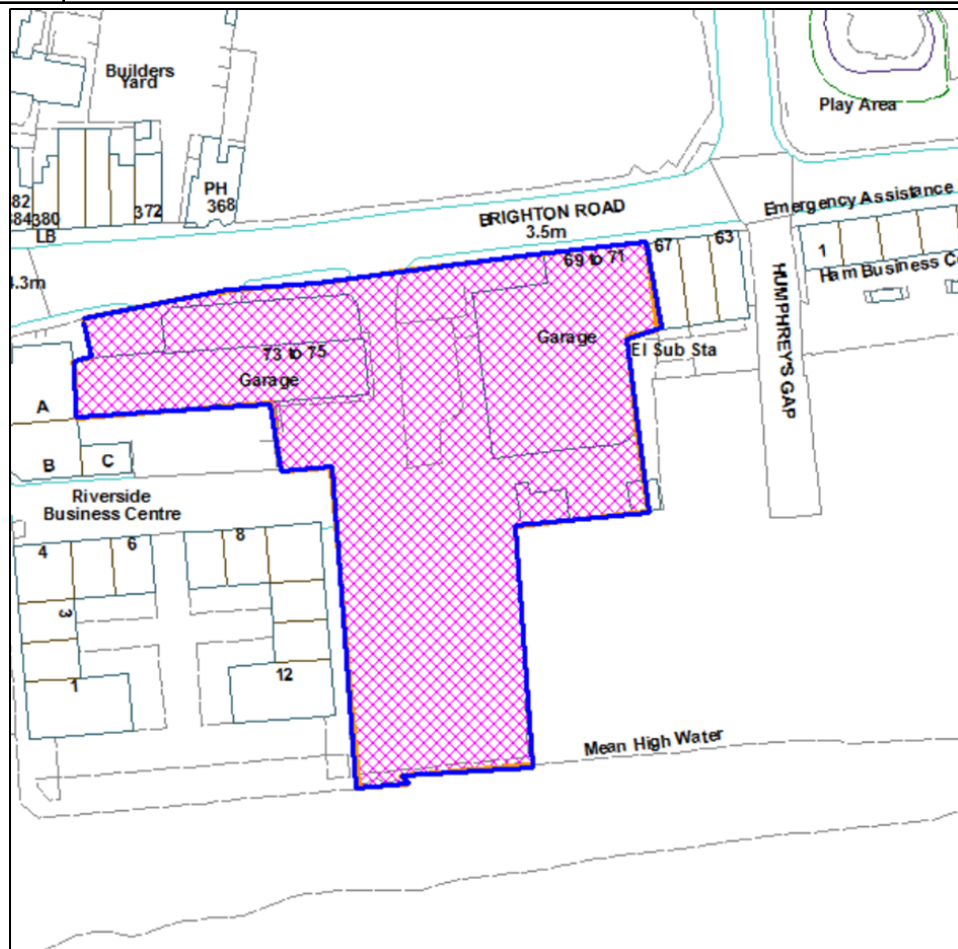
Application Number: AWDM/2039/22

Recommendation – Approve subject to a s.106 Agreement, the receipt of additional information and outstanding consultee responses.

Site: 69 - 75 Brighton Road, Shoreham-By-Sea, West Sussex

Proposal: Demolition of existing buildings, construction of 176no. one and two bedroom residential apartments and commercial development over 4 blocks between 5 and 9 levels, basement parking and raised deck, new highway access, flood defences, drainage infrastructure, landscaping and ancillary development. (Including changes in heights and reduction from previously proposed 183no. apartments to 176no.).

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Proposal:	Demolition of existing buildings, construction of 176no. one and two bedroom residential apartments and commercial development over 4 blocks between 5 and 9 levels, basement parking and raised deck, new highway access, flood defences, drainage infrastructure, landscaping and ancillary development. (Including changes in heights and reduction from previously proposed 183no. apartments to 176no.).	
Applicant:	Shoreham Brighton Road Ltd	Ward: St Mary's
Agent:	Waller Planning	
Case Officer:	Stephen Cantwell	



Proposal, Site and Surroundings

This full planning application for 176no. apartments and ground floor commercial spaces (approximately 600sqm) is an amended proposal, which follows the refusal of a previous application AWD/1473/21 in September 2022 for the reasons of overdevelopment, due to development density, height, scale, bulk and massing, and consequent concern that this would harm the character of the area. Under-provision of parking and open space also formed part of the reason; the full wording is stated under 'Relevant Planning History', below).

The main amendments comprise:

- i) Reduction from 183 dwellings to 176
- ii) Reduction in height of the three tallest buildings by 1 storey.
- iii) Reduction of riverside elements to not exceed 5 storeys
- iv) Roadside block 1 increased by one storey to 5 storeys
- v) Redesign of roadside blocks with increase upper glazing and lighter materials
- vi) Slight decrease in parking spaces (-2 spaces = 79 no.) and 2 to 8 Car Club Spaces
- vii) Amended roof gardens.
- viii) Minor ground floor changes for fire safety

Illustrations in Figures 1-4 below, show the current amended proposals



Fig. 1: Proposed Roadside from east (above)



Fig. 2: Proposed Roadside from west (above)



Fig. 3: Proposed Riverside from South East (with adjoining Free Wharf development)

The site is within the Western Harbour Arm (WHA) of the Shoreham Harbour Regeneration Area. As previously, it comprises a roughly T-shaped area of approximately 0.68ha with a 120m frontage along Brighton Road, containing the roadside showrooms and forecourts of Frosts Motors with parking behind. It excludes the Montgomery Motors building at the

corner of a service street and Riverside Business Park immediately behind it.

The eastern end of the site abuts the blank side-wall of the recently constructed four/five storey block of flats at 63-67 Brighton Road, it is also opposite the former Civic Centre site and Duke of Wellington Public House with adjoining two-three storey shops, flats houses which abutt the eastern end of the Shoreham Conservation Area with listed buildings at listed buildings at 53/55 New Road. The site is approximately 370m south east of the listed St Mary De Haura Church in Shoreham town centre. It is visible from Shoreham Beach and Adur Ferry Footbridge.

Immediately to the east is the Free Wharf site of between five and nine storeys. This was the subject of the recent application for additional apartments (AWDM/1315/22), resolved for approval at the Committee meeting of 31st January; raising the total from 548 - 587 apartments with ground floor commercial spaces.

The amended proposal uses the same layout as the previous application, comprising three roadside blocks and one riverside block. The changes at the roadside frontage comprise the reduction of blocks 2 & 3 from eight storeys to seven, and increase of block 1 from five to six. In each case the roadside facades are five storeys, with the sixth and seventh floors stepped back and redesigned to use extensive glazing with metal cladding, for a more lightweight appearance against the skyline. Brickwork detailing has also been added to the upper parapet, as can be seen in Figure 9 below, later in the Planning Assessment.



Fig 4: Proposed Layout of four blocks

The riverside block 4, was previously six storeys high at the riverside, stepping up to nine in the interior of the site. These heights are now reduced to five riverside storeys stepping up to eight. The design remains as previously, which includes angled and chamfered profiles, and the use of light coloured brickwork.

Comparisons of the proposed and previous buildings are shown and discussed in the Character & Appearance & Visual Impact and Heritage sections of the Planning Assessment below

The provision of separate internal fire escape stairs from the basement car park to exit the buildings at ground level, have led to the addition of additional ground doors to each of blocks 2, 3 & 4. These have no significant effect on the external design. Internal lobby areas to these buildings have been replanned and each retains the provision for wheelchair users to reach lifts, as previously. A consequence of this slightly lower number of parking spaces, now 79no. previously 81no. The loss of two spaces is in order to accommodate the separated stairs at basement level. The amended parking is discussed in the Highways, Access & Parking section of the Planning Assessment.

Consideration Of Amendments

This report is an updated version of that which was considered on 28th September 2022, with discussion of the above-listed changes i) - viii) in relevant sections & sub-sections of the report, notably:

- Housing: Need, Mix & Affordability
- Character & Appearance & Visual Impact
- Heritage
- Landscaped Public Realm & Biodiversity
- Highways, Access & Parking
- Fire Safety
- Infrastructure & S106

Other matters are unchanged by the amended plans. All consultation responses and representations listed below are those received in relation to this new application.

The text of the Planning Assessment section uses '**Amended Plans/Proposals**', in bold font, in order to highlight aspects of the development which have changed.

Relevant Planning History

AWDM/1473/21: Demolition of existing buildings, construction of 81no. 1 bedroom and 102no. 2 bedroom residential apartments and commercial development over 4 blocks between 5 and 9 levels, basement parking and raised deck, new highway access, flood defences, drainage infrastructure, landscaping and ancillary development. **Refused 05.09 2022** (refusal notice issued 21.12 2022) for the reason:

- 1) *The proposed development by reason of its overall density, height, scale, bulk and massing would result in an over development of the site to the detriment of the character and visual amenities of the locality and would result in an under provision of parking and open space contrary to policy CA7 of the Shoreham Harbour Joint Area Action Plan, 2019 and Policies 8, 15, 28 & 32 & of the Adur Local Plan 2017.*

A second reason attached to the refusal notice is a standard reason referring to the need for a completed s.106 legal agreement, which would have secured the affordable housing, infrastructure and contributions proposed by that application, had an approval been granted. The applicant has served notice on the Council that an appeal is due to be lodged, although it has not yet been submitted.

Consultations

County Fire & Rescue Service (FRA): Comments

Provisions in Fire Statement, if implemented, will meet requirements. In addition:

- The proposals should be compliant with Fire Safety Regulations 2022, which includes the fire resistance of the external walls, cladding systems, including balconies, solar blinds and wind reduction slats. Their fire resistance must be included within the proposal.
- Electric vehicle (EV) charging in the basement: 1) How will this be protected if flooded? 2) A suitable fire alarm should be provided and consideration of smoke control, firefighting access and suitable drainage to provide adequate firefighting water and intercept pollutants from any fire. An Automatic Fire Suppression System may be appropriate.
- [Previously Recommends planning condition and informative for approval and provision of fire hydrants and ensuring access for emergency vehicles]

County Local Lead Flood Authority (LLFA): Comments Awaited

[Previous comments: The LLFA welcomes the extent to which the applicant has sought to embrace the principles set out by the West Sussex Over the Wall Drainage Project. Consistent with the commitment made in page 2 of A. Drainage Technical Note dated 22 Jun 22. it is recommended that the application be conditioned as follows:

No works (other than enabling works should commence until the applicant has provided evidence in the form of model simulations as follows :

- a) a 30 year climate change rainfall event combined with a 2121 MHWS tide, to demonstrate no flooding;*
- b) a 100 year climate change rainfall event combined with a 2121 MHWS tide, to demonstrate flooding on site is safely managed and does not increase flood risk elsewhere; and*
- c) a 2 year climate change rainfall rain-fall event combined with a 2121 200 year tide, to demonstrate flooding on site is safely managed and does not increase flood risk elsewhere.*

County Highways Authority: No objection

Conditions and contributions previously requested, should be secured.

The new application for 176no. apartments is similar to that previously considered under planning ref: AWDM/1473/21 for 183no. The proposed parking ratio is 176 dwellings / 77 spaces giving 0.438 per dwelling* compared with 183 dwellings / 81 spaces 0.443 per dwelling previously. The minor change would not result in any changes to previous comments. EV parking spaces (25no.) are included in accordance with WSCC Parking Guidance, 2019, although this is now controlled by building regulations.

[*Officer comment: the number of proposed spaces is actually 81, giving a ratio of 0.45]

[Previously, in summary the Highway Authority was satisfied with predicted two-way trip generation of residential 46 AM peak and 42 PM residential and 16 AM peak and 7 PM commercial (i.e Total 62 AM peak 49 PM peak). Junction modelling indicates that this would operate well within capacity. Vehicle tracking has been provided for access by fire tender and refuse vehicles and is acceptable, subject to the indicative total Highway contribution comprising:

Joint Area Action Plan Measures = £437,574 &

Adur Local Plan Measures = £142,720

Total = £580,294 [pro-rata £558.097 for current proposal]

Cycle Path: The proposed cycle route resolves the previous issue of the layby being the development side of the cycle route. Subject to a revised safety audit we are more comfortable in the likelihood of these details being agreed. A costing is needed to ensure that the costs are covered in a legal agreement for future changes [for example to the pavement and kerb alignment] required to form the cycle path are included.

Parking: The lower provision [then 81 spaces for 183 dwellings - now 79 spaces for 176 dwellings] is below the County Guidance [then 186 - 206 spaces in Parking Behaviour Zone PBZ5]. The lower provision is based upon: location with access to public transport and services; commitments to promotion and support to car clubs and alternative modes, including a travel plan. The commitment to car clubs should be strengthened with a minimum of two publicly accessible vehicles. The cycle parking spaces are in excess of County guidance.

Accordingly no highway safety concern would be raised to the level of parking provision, although development may increase pressure on on-street parking availability in the vicinity which would be a consideration for the Planning Authority. Previous appeal decisions based on sub-standard parking provisions in Arun District were allowed (including award of costs), including the following Inspector's comment:

At times the occupiers of the scheme may find it somewhat aggravating that, if they are car users, they have to walk a distance between car and home, however this procedure is not out of the ordinary for town centre living. Furthermore the

occupiers would be aware of the situation before moving in to the scheme.

Further information requested

- Details of car parking management - noted that these would not be allocated to individual apartments in order to allow the spaces to be used as efficiently as possible. Details of what the car parking management plan are awaited.
- Details of the provision of car clubs
- Travel plan revision to ensure that each apartment is offered a £150 sustainable travel voucher upon occupation, with a second (and final) round of £150 vouchers should in the event of the 5 year travel plan targets not being achieved. A Travel Plan monitoring fee of £3,500 also be paid prior to occupation of the development]

County Council - Planning - Comment Awaited

[Previous comments:

The figures below are financial contributions for provision of additional County Council service infrastructure in mitigation of the impact of development:

Primary Education	£128,423
Secondary Education	£138,218
6th Form Education	£32,378
Libraries	£58,090
Fire & Rescue	£4,487
Traffic Reg' Order	£7,500
Travel Plan Audit/Promote	£3,500

Total	£372,596
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With the highways contribution of £580,294 above this gives £952,890. There is some minor addition for monitoring at around £200 per trigger (payment events), per year of monitoring. Value of these contributions will be reviewed if the legal agreement is completed within 3 months. Education and libraries contributions respectively would be spent on: the expansion of existing primary schools, or innovative solutions to address primary education needs; additional facilities at Shoreham Academy and its sixth form and additional facilities at the new library for Shoreham.

Fire and Rescue Service contribution would be used towards supply and installation of additional fire safety equipment/smoke alarms to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Shoreham/Southwick.]

Adur Council Responses:

Parking Services Comment awaited

[Previously: No objection. Whilst there is no controlled parking zone in the area, there is limited available unrestricted on-street parking around the area. A Traffic Regulation Order (TRO) would require adjustment of the double yellow lines in Brighton Road. A car club which is available to the public in Pond Road Car Park (Shoreham Centre Car park) which could be beneficial for residents to sign up to.]

Environmental Health - Public Health Some Comments/Comments Awaited.

Contamination: Standard remediation conditions are recommended [previously: Regarding the risk posed by ground gas, the suggestion of using an upgraded membrane below the proposed basement is agreed.]

[Previously:

Air Quality (AQ) Assessment: The commitment to car clubs is welcome, especially working with other developments nearby. The AQ assessment has been received. The applicant has confirmed that there is no parallel need to update the transport assessment, which relies on up to date figures.

Noise & Ventilation: Very informative acoustic report, methodology and conclusions. No concerns regarding entertainment noise from the Duke of Wellington PH/venue, given the proposed noise mitigation.

However, further confirmation is needed of the ventilation strategy, particularly for apartments facing the A259, which are the most noise-affected homes. Mechanical ventilation would be my preference, which replaces any extracted air with fresh air, without the need to weaken the acoustic robustness of the facades by installing vents. The overheating model may then need to be re-run. Planning conditions can be used.

There are no Environmental Health objections in principle. Planning conditions regarding any future commercial new plant or kitchen extract can be applied here.

Construction: A construction phase management plan (CEMP) should be required by condition.]

Environmental Health - Private Sector Housing No objections

No objections on public sector housing grounds.

Technical Services - Drainage Comment awaited

[Previously: Following receipt of applicants further technical note (June 2022), if you are minded to approve this application please apply conditions for details of:

- surface water drainage including SuDS. Winter groundwater monitoring to establish highest annual ground water levels will be required to support the design of any Infiltration drainage
- Future management & maintenance
- Provision of as-built drawings and verification following construction

Previous Technical Services advice includes: The surface water drainage proposals include; over the wall drainage, through the wall drainage, infiltration and discharge to surface water sewer. We broadly agree with the principles of the strategy

Flood risk - highlighted the need to ensure access and egress escape route plan and evidence that safe access for emergency services is provided at all times.

Historic England: Comment

We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Environment Agency : No Objection

We have no objection to the proposal provided that the following conditions be attached:

- Floor levels to be 6.2 mAOD for residential and 4.4 mAOD for commercial
- Specification for the demountable flood defence barrier/flood gate for the basement car park
- Completion of river wall repairs
- Management of contamination risks

Further advice:

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise Local Planning Authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the Planning Policy Guidance.

The Applicant must satisfy themselves that any relevant building will be constructed in such a way that vehicles floating or displaced as a result of flooding would not jeopardise its structural stability, including protection of sensitive infrastructure such as gas and water pipes or electrical cabling

A Marine licence is required from the Marine Management Organisation (MMO) for works below the mean high water. A Flood Risk Activity Permit required within 8m of the river

The proposal does not encroach into the harbour so there is no loss of intertidal habitat.

Health & Safety Executive (HSE): Comment Awaited

Safety & Resilience Manager : Comments

Having reviewed the revised Flood Evacuation Plan the contact list for a flood warden is required detail and will need to be checked before the plan goes live

Natural England No objection.

The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or (SSSIs) or landscapes

National Highways No Objection.

Network Rail Comments

Following an internal consultation, which included Govia Thameslink Railway, there will be a need for station improvement due to the impact of the development to operate effectively and rail travel remains an attractive option for new residents. We request a contribution to be used for additional cycle storage/parking facilities at the station. Which will promote sustainable travel at an estimated cost of £8000.

South Downs National Park (SDNPA) Comment

The application site is located some 1.5km to the south of the national park boundary, which is formed by the A27 in this location. The intervening land cover comprises the western area of Shoreham, which is built up land. It is therefore unlikely that there would be any harmful impacts upon the setting of the National Park as a result of development.

Southern Gas Networks (SGN) Comment Awaited

[Previously: Gas pipe locations are now available online, applicants can register for our online service and view our gas pipe locations.]

Southern Water: Comments and Recommended Conditions

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network.

Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water will liaise with the developer in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement (within 24

months of planning consent being granted, although this may be extended for more complex schemes). It may be possible for some initial dwellings to connect, pending network reinforcement. Planning conditions recommended to:

- 1) Occupation of the development to be phased and implemented to align with the delivery by Southern Water of any required sewerage network reinforcement to ensure adequate wastewater network capacity;
- 2) Details of sustainable drainage to be submitted and approved, including arrangements and responsibilities for future maintenance.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Sussex Police Comments

Clear segregation of the commercial and residential elements will be needed. Ref: www.securedbydesign.com Secured by Design (SBD) Commercial Development 2015 Version 2. The residential design and layout should ensure control of entry is for authorised persons only, including internal compartmentalisation via dedicated door sets within residential blocks to reduce free access around buildings and controlled lift access - e.g. proximity reader, swipe card or key. Postal arrangements for the apartments are through-the-wall or externally mounted secure post boxes and balcony balustrades sufficiently high to avoid climbing-over.

Ref: www.securedbydesign.com where the SBD Homes 2019 Version 2

Proposed cycle routes and footpaths should conform to the requirements as indicated within the SBD paras 8.8 - 8.12. Robust cycle stands should allow for locking of both wheels and not more than 30 stands per secure communal cycle shed.

Basement parking: thought should be given to the siting of CCTV as a visual deterrent to deflect offending behaviour and offer protection. Equipment must be commensurate with lighting conditions. Details regarding CCTV and Data Protection can be found at the Information Commissioner's Office website; Counter terrorism advice also recommended via Police Security Advisors

Landscaping should allow for good light penetration (avoid light restriction by vegetation. Shrubs no higher than 1 metre, and trees with no foliage below 2 metres will maintain a field of view

Lighting throughout the development will be important, including bollard lights for wayfinding; but other lighting for security.

Please note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

Network Rail No objection

Following consultation, including Govia Thameslink, it has been identified that there will be a need for station improvements due to the impact of the development. This will be used for additional cycle storage/parking facilities at the station to improve the passenger experience and promote sustainable travel. The estimated cost is £8000.

Marine Management Organisation (MMO): No Objection

Works within the Marine area require a licence from the MMO. The East Inshore & Offshore marine plans of April 2014 are a material consideration for public authorities with decision making functions. The MMO is currently developing marine plans for the South Inshore. A wildlife licence is also required for any activities that would affect a UK or European protected marine species.

Representations (28 objections, 1 support, 1 Shoreham Beach Residents Asscn)

Shoreham Beach Residents Association

- The SBRA considers the amended plans for 69/75 Brighton Road is an improvement on the original submission but has the following objections and suggestions
- Could the provision of trees and plants in advanced nursery standard or more be a condition of development please? We would like to see a clear explanation of how maintenance is to be maintained. This is a very harsh environment and in order for reality to synchronise with the design statement the green spaces will need regular attention
- The car parking provision is still inadequate which will impact on the streets north of this building. Could we suggest that 4 not 2 of the 77 spaces are designated as car club spaces
- There is no indication of how the remaining 75/71 car parking spaces are to be allocated. Please explain.
- We still consider the proposed s106 monies to be insufficient in view of the size of the development and the real need to improve services and infrastructure in the immediate area.

Letters of Objection

- There is an opportunity to enhance this riverside site but all we see are massive blocks, built with the highest density possible.

- We already have 540 flats being built by Southern Housing nearby, plus Hyde want to build opposite this site. Also there are 70 flats being built on the old Mannings site, across the road from the huge block on the old Parcelforce site.
- This application must be considered together with all the other applications along this stretch of the A259 both North and south.
- The buildings are too high, especially next door to us at Humphreys House. We are on the top floor and feel like people will be overlooking us while we are out on our terrace that runs alongside our flat.
- The design review panel made negative comments on the design and liveability of Block 4. I see no change here.
- The developer has only reduced the number of apartments by 7. An insignificant amount, which does not deter from over development of the site and still results in under provision of parking and open space.
- Shoreham's Conservation Area will not be combined with a sense of wellbeing whilst travelling through a concrete corridor. The development is out of harmony with the lighthouse setting and will adversely impact residents of Brighton Road. There is insufficient landscaping and trees.
- Views of the Downs are disappearing.
- There's no social housing or affordable housing.
- Roads and infrastructure will be unable to cope; developments will place an unacceptable load on existing infrastructure and services.
- Insufficient s106 contributions being proposed
- There is no consideration in this, or other applications, for provision of school places or health services, i.e. GP capacity
- Over polluted High Street already.
- Noise, dust and disturbance.
- Need further leisure space, playgrounds, and green areas
- The landscaping is inadequate
- Is the sewerage system adequate given the local problems with rising groundwater?.
- Duke of Wellington pub will have its music licence revoked due to noise complaints.
- The east end of the Mariners Point development would become subject to severe overlooking, loss of privacy and light and increased noise.

Relevant Planning Policies and Guidance

Adur Local Plan (2017). Policies:

- 2 – Spatial Strategy
- 3 – Housing Provision
- 4 – Planning For Economic Growth
- 8 – Shoreham Harbour Regeneration Area
- 11 – Shoreham-By-Sea

- 15 – Quality of the Built Environment
- 16 & 17 – The Historic Environment
- 18 – Sustainable Design
- 20 – Housing Mix & Quality
- 21 – Affordable Housing
- 22 – Density
- 28 – Transport & Connectivity
- 29 – Delivering Infrastructure
- 30 – Green Infrastructure
- 31 – Biodiversity
- 32 – Open Space, Recreation & Leisure
- 34 – Pollution & Contamination
- 36 – Flood Risk & Sustainable Drainage

Shoreham Harbour Joint Area Action Plan, 2019 (JAPP). Policies:

- CA7 – Western Harbour Arm (Land Parcel WH7)
- SH1 – Climate Change, Energy & Sustainable Building
- SH3 – Economy & Employment
- SH4 – Housing & Community
- SH5 – Sustainable Travel
- SH6 – Flood Risk & Sustainable Drainage
- SH7 – Natural Environment, Biodiversity, Green Infrastructure
- SH8 – Recreation & Leisure
- SH9 – Place Making & Design Quality
- SH10 – Infrastructure Requirements

South Inshore and South Offshore Marine Plan, 2018. Policies:

- S-PS-1 – Objectives & Policies

Other Supplementary Planning Documents, Guidance & Study Documents

- *Sustainable Energy – Supplementary Planning Guidance, (August 2019)*
- *Adur & Worthing Joint Open Space Study (including calculator) (2019)*
- *Guidance Note on Intertidal Habitats (2018)*
- *The Shoreham Harbour Transport Strategy (October 2016)*
- *Shoreham Harbour Heat Network Study (2015)*
- *The Western Harbour Tall Buildings Capacity Study (2017)*
- *Planning Contributions for Infrastructure Provision SPD (2013)*
- *Development Control Standards: Space around New Dwellings & Flats (ADC)*
- *The Provision of Service Infrastructure Related to New Development in West Sussex Part 1 (WSCC)*
- *Guidance on Parking at New Developments, May 2019 (WSCC, August 2019)*
- *National Planning Policy Framework, 2021 (NPPF)*
- *National Planning Practice Guidance 2014-present (NPPG)*
- *Technical Housing Standards – Nationally Described Space Standard (CLG 2015)*

Adur Local Plan (2017) – The Development Plan

The Adur Local Plan is the development plan for the purposes of determining planning applications. In accordance with NPPF, Policy 1 of the Local Plan supports the principle of development which is sustainable in terms of meeting economic social and environmental objectives, including: the right types of development with provision of infrastructure; sufficient number and type of homes in well-designed environments and the protection and enhancement of existing built environments, minimising energy needs and pollution and adapting to climate change.

Policy 2 identifies Shoreham Harbour as a focus for development to facilitate regeneration through delivery of a mixture of uses including housing which will be delivered through a Joint Area Action Plan (JAAP). Policy 3 identifies a minimum district housing requirement over the Plan period of 3,718 new homes (an average of 177 new homes a year) with a minimum of 1,100 of these new homes being delivered as part of the Shoreham Harbour Regeneration Area Western Arm (within Adur).

Policy 4 seeks the provision of 41,000m² of new employment generating floor space of which 16000m² should be provided with the Shoreham Harbour Regeneration Area falling (within Adur). Policy 8 requires proposals to be determined in accordance with the JAAP and identifies key priorities for the Western Harbour Arm (WHA) which include its comprehensive redevelopment to become an exemplar sustainable, mixed-use area and sets out a range of applicable environmental criteria to achieve this.

Policy 11 is an area-specific policy for development in the town of Shoreham-by-Sea that seeks to ensure that the role of Shoreham town centre is maintained and enhanced by new development proposals. It seeks to improve public access to and along the River Adur Policies 15 & 16 also refer to the importance of well designed buildings, public realm and new places, with consideration of impacts on heritage. Policies 21 and 29 to the requirements for the delivery of affordable housing and infrastructure to mitigate development impacts, policies also refer to the requirement for green infrastructure and provisions for recreation/ open spaces. Policy 36 requires flood risk mitigation and drainage including sustainable surface water techniques

Shoreham Harbour Joint Area Action Plan, 2019 (JAAP)

The JAAP, which was approved in October 2019, covering regeneration of the riverside area between 2017- 2032 (the plan period). It contains policies SH1-9 which shape standards of development, such as high quality design, flood defence, sustainability, transport, employment, spaces and nature.

The application site falls within the 'Western Harbour Arm' (WHA) which is also subject to the area-based JAPP policy CA7. This policy re-affirms Adur Local Plan's Policy 8 support for the delivery of a minimum of 1,100 new homes in WHA. The JAPP states a minimum density target of 100 dwellings/ha and mainly comprising flats.

Under CA7 a minimum of 12,000sqm of new employment generating floor space should be

provided in WHA as part of mixed use schemes. This should be predominantly high quality office space (use class B1a). A range of smaller format commercial units is encouraged. Shops, cafes and restaurants, are also said to play an important role in harbour-side regeneration, provided that these are ancillary to the primary residential and employment generating floor-space. It is noted that this position predates the introduction of the National Use Class E, which merges these shops, restaurant, office uses together, alongside other uses such as light industry, health services and crèches.

Policy CA7 also states that:

- Developments should provide a continuous riverside path and to make provision for a segregated roadside cycle-path in Brighton Road; also linkage of new development to the future Shoreham Harbour District Heat Network.
- Residential development will need to be lifted up above likely flood level
- Flood defences should be integrated with high quality public realm
- Open space should be provided, although off-site improvements will be considered
- Green infrastructure should include appropriate planting along Brighton Road
- Development should include habitat creation, including enhancements at the riverside and protection of intertidal habitats or its compensation
- The wealth of local maritime history could be better interpreted in this location

The site is part of land parcel WH7, where development is expected to come forward towards the middle of the plan period. Unlike other WHA land parcels, there is no indicative layout in the JAPP

South Inshore and South Offshore Marine Plan (July 2018)

Policy S-PS-1 of the Marine Plan seeks to ensure that development in coastal and port areas does not harm protected marine environments, including two, which are located approximately 10 km to the east and south west.

National Planning Policy Framework (2021)

The recently updated National Framework describes the purpose of the planning system and planning decisions as contributing to the achievement of sustainable development. Sustainability is characterised by three objectives which are said to be interdependent:

- *Economic*: a strong, responsive economy by ensuring the right development to support growth and by coordinating the provision of infrastructure.
- *Social*: strong, vibrant and healthy communities, via sufficient number and type of new homes, with accessible services and open spaces. In the 2021 NPPF, the need for well-designed places as part of the social objective is now accompanied by the description '*beautiful and safe*'.
- *Environmental*; the protection of historic and natural environments including improvement of biodiversity, resource and low-carbon efficiency adapting to climate change and minimising waste

The NPPF states a presumption in favour of sustainable development which meets the

development needs of the area; aligns growth and infrastructure; improves the environment; mitigates climate change, (including by making effective use of land in urban areas) and adapt to its effects (Para 11a). Furthermore, under para 11c, proposals which accord with an up-to-date development plan should be approved without delay.

In cases where new housing proposals do not accord with the development plan, para 11d applies additional weight (a 'tilted balance') to the merits of housing proposals, if there is either:

- less than a five year provision of housing permissions, or
- if the rate of housing delivery is less than 85% of the required rate during the previous three years.

This tilted balance applies unless '*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.*' (para 11d). The relevance of this is explained in the Planning Assessment section of this report under the subheading 'Housing Need'

As part of the Government's objective of significantly boosting the supply of new homes. It is important that *inter-alia*, the needs of groups with specific housing requirements are addressed. Where need includes for affordable housing this should be met on-site unless an off-site provision or appropriate financial contribution in lieu can be robustly justified (paras 60 & 63).

Regarding design, the revised NPPF (para 125) recommends area-based character assessments, design guides, codes and masterplans to help ensure the efficient use of land at appropriate densities, while also creating beautiful and sustainable places. Significant weight should be given to well designed, sustainable development; that which is not well designed should be refused (para 134). Opportunities for tree-lined streets *and* new trees in developments should be taken, including arrangements for their long-term maintenance, compatible with highways standards and the needs of different users (para 131).

Local Plan Review

The Local Plan is required to be reviewed within 5 years of adoption. The review is underway and Members will be aware that there is a desire to undertake an early review of the Western Harbour Arm as development has been approved at higher densities than envisaged and there has been concern from the local community about the lack of supporting infrastructure.

Approach to decision making

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended). This provides the applications may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local

finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004, which requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special or historic interest which it possesses.

Section 72 subsection (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a comparable requirement relating to Conservation areas and provides “In the exercise, with respect to any buildings or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Publicity

The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council’s Statement of Community Involvement. This has involved the display of site notices, notification letters sent to neighbours, and a notice being displayed in local newspapers.

The applicant team carried out public consultation as part of the previous scheme, including an exhibition with Q & A sessions during several weeks August/September. In their analysis, this indicated public interest in affordable housing matters, drainage, floodrisk, traffic and parking.

Environmental Screening

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA development), regard has been given to environmental factors such as the change in physical scale of development represented by the proposals for more than 150 dwellings (176 are proposed) by comparison with the existing relatively low rise commercial development and extensive hard-standings, also to the need for remediation of ground contamination as part of the development. The proposals are unlikely to cause significant effects on environmental factors, including water-based pollution affecting the River Adur SSSI and are likely to provide local biodiversity improvements.

Other localised effects, including visual impact, heritage and pollution are unlikely to have wider significant impacts, although landscape assessment covers a wider area. Whilst the development is not considered to constitute “EIA development” and therefore an Environmental Statement is not required, this does not override the need to consider matters of environmental importance such as air quality, traffic, energy, impact, appearance and impact on existing neighbour and future residents, which have been subject of individual assessment in the current application. Nor does this prejudice the determination

of the application in relation to such matters, which are relevant considerations in the assessment of this application as discussed in this report.

Planning Assessment

The main points for consideration in this application are:

Principle of Development
Housing: Need, Mix & Affordability
Character & Appearance & Visual Impact
Heritage
Landscaped Public Realm & Biodiversity
Residential & Neighbouring Amenities
Highways, Access & Parking
Flood Risk & Drainage
Other Matters
Infrastructure & S106

Principle of Development

Sustainable Development

As previously, the location within the Western Harbour Arm (WHA) of the Shoreham Harbour Joint Area Action Plan (JAAP), provides policy support for mixed-use commercial and residential development, under JAAP policy CH7.

The NPPF supports sustainable forms of development which provide benefits in terms of *economic, social and environmental factors*. In the proposal, the social-economic benefits include a range of commercial spaces for retail, employment and service uses at the site frontage and riverside and new 1 & 2 bedroom new homes, with a policy compliant 30 percent of affordable homes, close to town centre services and transport links.

Social-environmental benefits comprise a new route to the future riverside path, through a new area of accessible public realm along the road and through the site, with well-landscaped, tree-lined spaces, including provisions for wildlife to bring greater biodiversity to the site.

The JAAP Policy SH1 and policy 18 of the Local Plan combine to require resource efficient buildings which possess good thermal performance and air tightness to prevent heat loss. At least 10 percent of energy must be provided by renewable sources, also efficient forms of ventilation and heat management. The Council's more recent Energy SPD supports even greater low and zero carbon energy. Under Policy SH1, development should also be connection-ready for the future Shoreham District Heat network, using a communal wet heating system, suitable plant spaces and pipe runs. Designs should provide for a water usage rate of up to 110 litres/person/day. Commercial spaces should be constructed to the BREEAM 'Very Good' standard according to the Local Plan and 'Excellent' in the JAAP.

Sustainable Energy

In the amended proposal, the applicant's energy & sustainability statement and calculations have been updated and amended. The following series of energy-CO2 and water efficiencies are unchanged:

1. 'Fabric first' energy efficient thermal mass construction (with stated heat transfer values for walls, floors, roofs, glazing);
2. Largely natural ventilation by openable windows other than where mechanical ventilation may be required on noise-exposed areas;
3. 'G value' specified glazing to minimise overheating from solar gain;
4. Slatted screens / brise soleil also to minimise overheating, particular south and west-facing windows and balconies;
5. LED low energy lighting;
6. Water efficient fixtures targeted to less than 110L / day / person;
7. BREEAM 'very good' standard for commercial spaces.

Amended plans for heating are two-fold. The first change is that individual heat pumps would be installed in each apartment, with an integrated hot water cylinder to generate space-heating and hot water, with electric radiator back-up. As such there would be no communal wet heating system throughout buildings. The second element is the use of heat energy from the Mechanical Ventilation Heat Recovery (MVHR), which are to be fitted to ventilate noise-exposed apartments; this energy will also add to the heating of those apartments.

The significance of this change is that it moves the development away from the approach under Policy SH1, which seeks communal systems that are connection ready for a future district heat network (DHN). The applicant explains that this changed approach is due to significant lack of certainty concerning delivery of the DHN, which has compelled them to plan for a different way of providing heat and hot water as their perceived only practical way forward.

Whilst the detailed design of the system would follow after a grant of planning permission (and its CO2 performance could be verified under planning condition), the applicant's consultant advises that CO2 savings would be at least as good as a DHN, assuming an electricity-based DHN, or better than assuming a gas-based DHN.

They also observe that the costs of retrofitting distribution pipework throughout each building are an estimated £12-15,000 per dwelling, which would add significant future costs to residents, including those of affordable homes, where cost management is critical.

It is assumed that these retro-fitting costs would be less if parts of a communal system (e.g

main pipe-runs), were included in the initial construction work, rather than retrospectively. One comparison which is also needed, is the comparative costs of a communal heat pump solution against those of the individual heat pump approach; also whether there is any technical reason why a communal air source heat pump solution could not be reasonably provided.

There is as yet no info to test whether a district heating approach would be comparable or better than the estimated annual costs £329/dwelling of the proposed heat recovery and heat-pump approach, although the applicant's consultant observes that it is unlikely such a low annual cost could be guaranteed by a heat network.

In amenity terms, the use of individual heat-pumps is that the roof-mounted communal pumps of the previous application would not be required. Therefore the 2m high shrouds which would surround them, have been removed in the recently amended plans.

Whilst this does not accord with Policy SH1 the applicant's updated assessment indicates that these measures would achieve CO2 savings of up to 39% for the proposed apartments by comparison with a baseline of energy individual energy-insulation standards for the constituent components of the building (walls, floors, air permeability etc.) For commercial spaces the estimated CO2 saving of 17% is lower due to the use of an assumed 'shell and core' condition for the completed commercial spaces (e.g concrete floors and walls, but not yet fitted out), although fit-outs are expected to increase this figure when future users are identified towards attainment of BREEAM excellent.

Further detailed design work would be undertaken before construction and attainment of these CO2 targets can be subject of a planning condition to require subsequent verification post-construction. It is noted that the potential need for a further heat assessment of mechanical ventilation in noise-exposed apartments, via the recommended Environmental Health planning condition may affect energy demand and affect these calculations and any further remedial CO2 reduction measures might be required under the verification condition if there is a significant impact. The Environmental Health officer's response is awaited

Confirmation has also been requested upon the amount of energy demand produced by on-site renewables (individual heat pumps), in order to ensure that this is at least 10%, in accordance with policy 18.

In terms of sustainable transport, a car club and electric vehicle charging proposals are described and discussed in the Parking section of this report. Provisions for biodiversity in the proposed landscaping and the use of sustainable surface water drainage also contribute the the sustainability attributes of the development

Housing: Need, Mix & Affordability

Housing Need

Policies 3 and 8 of the Local Plan and CA7 of the Joint Area Action Plan of 2019 (JAAP) set out a minimum target of 1,100 new homes in the redevelopment of the Western Harbour

Arm of the Shoreham Harbour Regeneration Area. This contributes to the wider housing target of 3718 homes for Adur District up to 2032.

Since adoption of the JAAP, a total of 856 new dwellings in the Area have received planning permission at two sites (Free Wharf, Kingston Wharf and 67 Brighton Road) and development works are underway. The proposal would bring the total for four sites to 1032, which represents 93 percent of the minimum target. Well before adoption of the JAAP, 132 homes were approved and constructed at Mariners Point, which, if included, would bring the total arising from the proposal to 1,164. This is modestly above the minimum target, with proposals for three or four further sites in the regeneration area yet to come forward.

Although the uptake of the development potential allocated by the JAAP and Local Plan has been extremely good within the Regeneration Area, the wider rate of housing commitments (sites with planning permission) for Adur District overall, has been slightly below the target required under the National Planning Policy Framework (NPPF).

The latest figures for the Adur Five Year Land Supply were published last year and have a base date of 1st April 2022. This indicates that at that point there was a 4.8 year land supply. However, since that time the Local Plan of 2017 is now regarded as out of date (in housing delivery terms) being more than 5 years from adoption. Housing delivery rates measured against the current housing delivery requirements will show a much greater housing shortfall.

The rate at which approved new housing has been completed in the Local Plan area has also been below that required by the NPPF. Over the three year period 2018/19-2020/21, the number of housing completions has been 353 against a 457 target, i.e. 77 percent against the NPPF's required 85 percent. As such a 20% buffer is added to the Five year Land Supply Test (and an Action Plan produced).

The presumption in favour of sustainable development is not triggered by the Housing Delivery Test as delivery exceeds the 75% threshold. However, your Officers anticipate that the 2022/23 period which will be published shortly will show that we did not exceed 75% due to the redevelopment of existing housing sites such as the Mannings in Surry Street (HDT based on net completions) and therefore the Council would be a presumption authority under this as well as 5 year supply assessment.

It is clear therefore that the tilted balance is triggered and there is a presumption in granting this sustainable development unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.'*

This is assessed in the Conclusions and Planning Balance section of the report but this tilted balance, as it is often described, is an important consideration for this development in a highly sustainable location on brownfield land.

Density and Mix

The amended proposal has reduced the proposed density slightly, from 269 dwellings per hectare to 259/ha. These compare with 250/ha at Kingston Wharf and the recently augmented Free Wharf development of 199/ha, both within the Harbour Regeneration Area. Each of these is more than the minimum 100/ha sought in JAAP Policy CA7. Densities of other nearby schemes are 256/ha at the Civic Centre site, opposite and 264/ha at The Mannings, Surry Street.

Density was one of the component concerns of the previous refusal, although more specifically this was in connection with height, scale and bulk in combination with the amount of parking and open space. Given the comparable densities of the other nearby approvals, it is considered that the reduced density of the proposal raises no in-principle objection Policies SH4 & CA7 envisages that the majority of new dwellings will comprise flatted development at high densities focussed in and around the harbour and town centre.

However, it is important to consider the proposed changes in height and size of this new application and whether these provide a more appropriate form of development than previously. This is considered under the Character, Appearance & Visual Impact section of this assessment, further below. Parking and Open Space are considered under their own subheadings, also further below.

Size of Homes

The amended proposal has reduced the total number of dwellings by seven. Four 1-bed flats have been removed along with three 2-bed flats. Table 1 below compares this new size mix alongside the range of size needs of the Council's Assessed Needs Study of 2015 which formed part of the evidence upon which Local Plan and JAAP policies are based.

The proposal has made negligible difference to the percentage mix. The proposed proportion of 1-bed homes is above the need range by 9%, which is partly due to the absence of three bedroom units. The proportion of 2-bed homes is also slightly (4%) above need.

Table 1: Proposed Flat Sizes and Need

Size	Proposal	Need
1 bed	76 (43%)	35%
2 bed	100 (57%)	60%
3 bed	0	5%
Total	176 (100%)	

In Table 2 the size mix of the amended proposal is compared with the total of 856 flats already approved at Shoreham Harbour, including Kingston Wharf and the recently

augmented development at Free Wharf. The resulting percentages of the approved and proposed developments remain very close to the assessed size needs for the regeneration area, within 2 percent in each case (for instance 36.6% of 1-bed homes against a need for 35%; in the case of 2-beds, needs and provision are identical at 60%). This mix analysis does not include the Mariners Point development.

Table 2: Overall Sizes at Shoreham Harbour

Approved Flats					With Proposal	Need
	Kingston Wharf	Free Wharf	67 Brighton Road	Combined (%)		
1 bed	87	202	10	299 (34.9%)	375 (36.3%)	35%
2 bed	149	366	4	519 (60.6%)	619 (60.%)	60%
3 bed	19	19	0	38 (4.4%)	38 (3.7%)	5%
Total	255	587	14	856	1032	

As previously, although the current proposal includes a rather high proportion of two-bedroom flats and no three bedroom homes, the overall mix of housing sizes in Shoreham Harbour, would remain in-step with the 2015 assessed needs.

It is noted that the Council's Strategic Housing Market Assessment (SHMA) for the Adur District was updated in 2020. This indicates a greater need for three bedroom homes on a district-wide basis (around 25% - 30%), and a correspondingly lower proportion of two bedroom homes. However, these more recent District-based figures do not affect the more specific strategy of the 2019 Area Action Plan, which focuses on higher density, smaller units for the Harbour area.

In the amended proposal the number of two bedroom apartments which are sufficiently large to accommodate four person households (according to Nationally Described Standards) has increased from 70 no. To 82 no (47% overall). This means that although the proposal does not provide any three storey homes, it provides scope for a range of household sizes.

Accessible Homes

The amended proposal continues to comply with the requirement of Policy 20 that all new homes should meet the optional higher Building Regulations Standard M4 (2) for

Accessible and Adaptable dwellings. As previously 2-4 units within either buildings 2, 3 or 4 can be made fully wheelchair accessible (Standard M4 (3)), which can be included in a s.106 agreement to serve the affordable homes.

The amended fire escape arrangements to the basement car park, which separates the staircase from the lifts, does not affect the accessibility of wheelchair users into entrance lobbies and lifts to all floors and basement parking. Access ramps to all buildings provide for wheelchair-user access to all buildings, including all commercial spaces. It remains the case that access between apartments in the amended Block 1 (30 homes) and the basement would be indirectly via the entrance lobbies of the other blocks.

Affordable Housing

The amended proposal continues to propose the 30 percent (53no.) affordable homes required under Local Plan Policy 21 and SH4 of the JAAP, and the policy-preferred tenure mix of 75% social-affordable rented housing and 25% intermediate.

The applicant's Registered Provider, Vivid Housing Association is a Strategic partner with Homes England (HE). which enables the provision of Affordable Housing Grant from HE towards this provision which reduces developer risk and has resulted in a more viable development in which the other development contributions set out in the s.106 section (Table 5) of this report can also be secured.

It is also noted that the applicant has agreed to dispose of the site to Vivid Housing Association. This allows the possibility that Homes England funding would fund more than the 30 percent affordable homes required under planning policy. Whilst this is beyond the planning application it is noted that in practice a higher proportion of affordable housing may be delivered in practice.

Vivid has also indicated that it is keen to deliver 75% social rent albeit it would like some flexibility in the s106 agreement to deliver at Local Housing Allowance (LHA) rent levels which would still ensure the apartments would be occupied by Adur residents currently on the Councils housing waiting list. In this case the s.106 agreement required would secure the Councils nomination rights for occupiers of the rented. The required s106 agreement would also ensure an appropriate mix of unit sizes in consultation with the Council's Housing officer.

Commercial Use

In the amended proposal the proposed commercial space is slightly reconfigured internally so that the 600sqm proposed would provide seven rather than eight units. Six of these are at the Brighton Road frontage and one at the riverside. All would be for Class E uses, which includes offices, retail, food & drink, financial and professional services, light industry, medical services and indoor sport and recreation with unit sizes of 42sqm - 112sqm.

The applicant envisages that those at the Brighton Road frontage would be best suited to use as shops, a café, financial/professional services, or offices. The office use might

accommodate either a single business or a facility in which local residents could hire desk space. One of the units within Block 2, opposite the proposed loading bay on the A259 Brighton Road, would be used to accept deliveries to the site, and to provide a concierge service for residents. Frosts Cars will take on one of the units, as a sales area / office, whilst another site is found for their car showroom and store.

This accords with the JAAP, which promotes the inclusion of employment generating uses, principally the former B1 class (office and light industry, which has been subsumed into the new Use Class E) and small scale, ancillary former retail and food and drink uses, also now within Class E. Their local concentration along Brighton Road frontage, these may also serve as a potential complement to this outer edge of the town centre (as defined in the Local plan) and the new harbourside environment.

In light of the vacancy of the new commercial spaces at Mariner's Point the Class E use proposed here would cater for a broad range of commercial activities and services and potential uptake. It is recommended that conditions to manage the characteristics of some of these uses would be prudent in ensuring harmonious coexistence with future residents above and alongside them. For instance, noise impacts from creches, nurseries and indoor recreation & fitness and catering noise & odours from food and drink uses, along with hours of use. Recommended conditions are included at the end of this report.

Character, Appearance & Visual Impact

The amended proposal has responded to the reason for the previous refusal concerning height and scale, by making a reduction in height of the three tallest buildings by one storey (3m). The reduced blocks are nos. 2 & 3 at the Brighton Road frontage and block 4 at the riverside. In addition, a change in design and stepping at the top of the two lowered roadside blocks 2 & 3 now incorporates a much deeper step-back of 3.9m back from the main five storey facade compared with 2m previously.

The top storeys of these two blocks are also more extensively glazed, with narrow sections of intervening metal cladding, to create a more lightweight and reflective appearance for these recessed floors against the skyline. The following images (Figs 5 - 6 & 8), compare the proposed blocks 2, 3 and 4, below their previous images in each case. Red lines illustrate the difference between the height of the proposed blocks against the previously refused.

Fig 5 also shows that block 1 at the western end of the road frontage, has a more extensive top floor than previously. Less obvious in this image, is the change to its main facade, which is now five storeys at the roadside instead of four; this is discussed further below.

Previous application (AWDM/1473/21)



Current application (AWDM/2039/22)



Fig. 5: Roadside Frontage. Blocks 1,2,3 (lower row shows current proposal)

Previous application (AWDM/1473/21)



Current application (AWDM/2039/22)



Fig. 6: Riverside view east and west (lower row shows current proposal)

From Brighton Road, the combined effect of these changes is to reduce the maximum height and the upper mass of the proposed frontage group of buildings. The deeper set back and lighter-weight design of the redesigned upper floors of the largest blocks 2 & 3 also contributes to a modest reduction in scale. The architectural rethink of the parapet above the fifth floor windows, using decorative brickwork with greater shadow-line draws greater emphasis to this line rather than those of the floors above it. This meets the preference under policy CH7 for frontages of up to five storeys.

At the western end of the site, the enlarged fifth floor of the amended Block 1 extends this strengthened fifth floor line along the site frontage. A new sixth floor has also been introduced here, using the recessed and lightweight design approach of the amended blocks 2 & 3. Block 1 remains one storey lower than the others, which preserves the sense of gradation. Although the mass of the upper part of block 1 is larger than previously, the effect of the three amended frontage blocks together is considered to be a lesser combined mass than the refused scheme.

This use of a five storey frontage and set-back upper floors is similar to the approach used for massing at the future development of the former Civic Centre site opposite the site, and the blocks under construction at Free Wharf a short distance to the east, both of which are shown in Figure 7.



Fig. 7: Free Wharf (left) Civic Centre Site (right)

At the riverside frontage, Figure 8 below, shows the lowered overall height of Block 4 by red line. The removal of the sixth storey from the riverside is less obvious from this vantage; this is seen more clearly in the side view in Figure 8.

This side view shows that in addition to the lowering in height from six to five storeys a new 4m set-back has also been added between the 5th & 6th floors. This moves the upper mass further away from the riverside than previously. The stepped upper floors above this are less deeply set back (4.7 - 9.6m compared with 11m previously), but the number of major steps has been increased from two to three, which balances out this change.

Also in Figure 8 the lowered ultimate height from nine storeys to eight results is denoted by the red line. This has reduced the mass of the building against the skyline. In addition there is an observable reduction in sheerness between the previous proposal and the slightly more stepped profile of the amended design.

The cylindrical 'shroud' which can be seen faintly at the top of the buildings in some of these images, containing the former roof-mounted heat pump, would be removed by the very most recent plans, which also reduces upper mass further.

Previous application (AWDM/1473/21)



Current application (AWDM/2039/22)



Fig. 8: Riverside block 4 . Side View (lower row shows current proposal)

Mindful of previous advice of the Regional Design Panel for architectural coherence, simplification and distinctiveness, the amended proposals retain the consistent use of brickwork in white and buff, which is similar to the indicative palette of material at the neighbouring Free Wharf development.

The amended plans have also introduced detailed brickwork at the parapet of roadside blocks 2 & 3 (Figure 9), adding finesse to the upper part of these blocks. Metal panelling, which has been added to the thin intervening walls between extensively glazed top floors of blocks 2 & 3, observes the Panel's advice to be sparing in the use of cladding.

However, this is considered to be successful in creating a more lightweight effect than the previous proposal, which used much heavier areas of brickwork at this level. A slight step

between these two recessed upper floors can also be seen in the side view in Figure 9. This adds a subtle shadow line at this level as a subtle further tiering. Whilst views of these storeys are very limited at street level, in the longer distance views from the east and west, they recede more successfully than the larger previous designs.

As previously, windows proportions are also consistent between buildings and the flint-lined, rounded arcades of the ground floor frontages at the road and riverside (Figure 10) create interest and distinction at eye-level in accordance with JAAP policy CH7.



Fig. 9: Detail of Upper Blocks 2 & 3 (Front and Side)



Fig. 10: Arcaded Frontages at Blocks 2 & 3 (upper) & Block 4 (lower)

In accordance with NPPF para 135 large scale plans of detailed elements, including windows, doors, balconies, screens, rainwater pipes and vents etc. would also be required by planning conditions, in order to ensure that design quality is maintained and not materially diminished between permission and completion.

The white and buff coloured brickwork in these images and the palette of materials below (Figure 11) is also intended to complement not only the Free Wharf development but also

the buff and pale grey tones of the future Civic Centre redevelopment opposite.

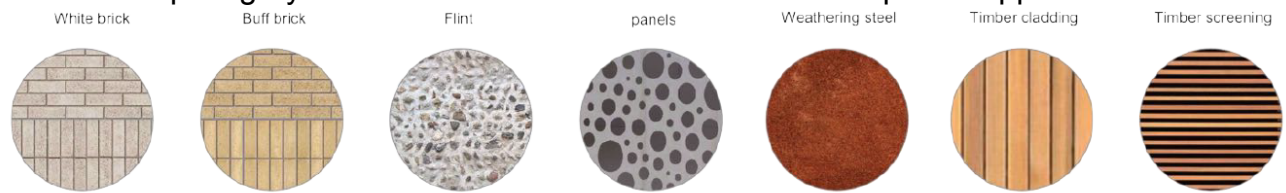


Fig. 11: Proposed Materials

Materials also include areas of vertical timber for the recessed back-walls of proposed balconies, seen beyond glass balustrades on front and side elevations and with horizontal brise-soleil side screens to south facing balconies at the rear. Weathered steel shown above, is for landscape planted boxes at ground level (see Landscaping section below in this report). A planning condition would require submission and approval of these materials.

Townscape & Height

The amended proposal is shown within the wider context of Brighton Road in Figure 12. From the west (left), in the background the series of stepped walls or ‘shoulders’ at the top of Blocks 2 & 3 in the background, are replaced by the more recessive and lighter-weight upper floors. This is partly due to the enlarged fifth floor of Block 1, which obscures part of the upper floors from the west. In the foreground is the most significant view of this end wall of Block 1, behind the Montgomery Motors building, although the new columns of contrasted brickwork add visual interest and the sixth floor recedes into the skyline.

Previous application (AWDM/1473/21)



Current application (AWDM/2039/22)



Fig. 12: Roadside view east and west (lower row shows current proposal)

From the east, although the foreground is truncated in this image, two changes can be seen. In the background, the enlargement of Block 1 is visible by reason of the squarer and more solid fifth floor, which takes the column of large east-facing windows one storey higher than previously. Secondly in the central building, the upper recessed floors are more recessive against the skyline than previously.

The vertical face of the building is also enhanced by the stronger parapet and upper brick detailing. This works with the strongly defined arcade of the ground floor, to emphasise the horizontal proportion of the building rather than its height. A similar change at Block 3 in the foreground has a similar effect, although out of view in this image.

Figure 12 also shows the set-back position of the proposed facades from the road, with new tree and shrub planting at the road frontage. The riverside walkway (Figure 13 below) shows the similarity between the position of the jettied riverside balconies of the proposed Block 4 and the projected southern ends of the riverside block A at Free Wharf beyond. This image of the lower part of the riverside frontage is unchanged in the amended proposal, but the upper floors of the proposal, which are out of view here, have been lowered by one storey.

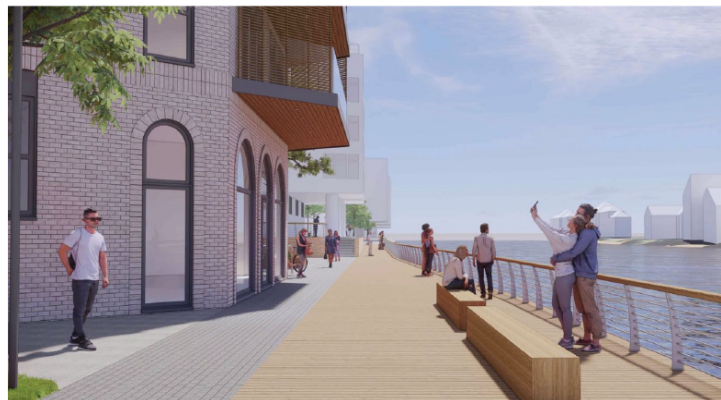


Fig. 13: Riverside walkway

In the amended proposal, it is noted that the reduction in height addresses an earlier comment of the Design Panel, underlined below:

“The development will take its place among other schemes of comparable height and scale, and will not be prominent among them. Equally, we think the scheme is at the upper limit of what height could be accepted here. There should be no easing of the LPA’s application of the policies of the Joint Area Action Plan. We suspect there has been some height and density inflation since the JAAP was adopted. This scheme should not set a precedent for the height of a scheme on the adjacent site to the west – a reduction in height towards the town centre is policy”

The height reduction of 3m in the amended proposals is now well below that of the neighbouring Free Wharf and Civic Centre developments, as shown in the comparative heights in Table 3 (below) of the amended proposal. It is also lower than St Mary De Haura

Church in the town centre.

Whilst the Panel's final statement regarding a policy for reduction of height towards the town centre is incorrect, it is important that the relationship with the wider town is assessed. In considering the height, mass and architectural response of the proposals. The following updated townscape and visual impact assessment (TVIA) was submitted with the amended proposals. It includes assessment of a range of views to examine impacts from Shoreham Beach, the river environs and the South Downs National Park.

Table 3: Comparative Heights and distances.

*Height AOD = Above Ordnance Datum

	Height (AOD*)	Distance
St Mary de Haura	32.3m	0m
Mariners Point (7 storey)	24.7m	220m
The Mannings (6 storey)	24m	220m
69/75 Brighton Road (9 storey)	31.2m	375m
Civic Centre Site (9 storey)	35.3m	460m
Free Wharf (9 storey)	36.3	565m

Other height comparisons not shown in the table are: the five storey facades of blocks 2 & 3 are similar to the future facade of the Civic Centre opposite. The five storey facade of block 1 is approx 4.2m taller than the 3 storey house facades opposite and approximately 6-7m taller than the eaves of the two storey existing shops.

Visual Impact Assessment of Town & Landscape

The amended proposals have been reviewed using the following images (**TVIA A - I**) from the revised *Town & Landscape Visual Impact Assessment* (TVIA). These show actual sizes of the proposals and other approved developments. In some cases whole photo montages are shown, in other cases only coloured 'wire' lines only are used, which represent the proposed development as a bright green outline, Free Wharf in red and the Civic Centre in blue.

TVIA A: Brighton Road (east). In Brighton Road (below) the proposed five storey main facades of proposed blocks 2 & 3 are one storey taller than the recently constructed four storey facade of 63-67 Brighton Road in the foreground at the corner of Humphrey's Gap. This recent building rises to an inset fifth floor just visible in the image.



TVIA A: Brighton Road (east)

On the north side of Brighton Road, the proposed facade of the future Civic Centre development is also five storeys. **TVIA B** also shows this relationship from Eastern Avenue, north of The Ham (the five storey facade comprising the left-most of the Civic Centre image). The corner-edge of the recessed upper is visible above the parapet.

The TVIA assessment categorises the townscape impact of the development as ‘minor beneficial’ due to the design qualities of the new built form, the facades of which are generally perceived as five storeys from street level, with the inset upper floors only visible over longer distances, as seen in TVIA B.



TVIA B: Eastern Avenue

TVIA C (below): To the west of the site, from the junction of New Road and Brighton Road, the view from the edge of the Conservation area and listed buildings (53/55 New Road) is

transformed from that of the existing car showrooms. The proposed block 1 is closest to the foreground. Its fourth and recessed fifth floors are enlarged and consolidated by comparison with the previous proposal. This change increases the height difference between Block 1 and the existing 2-3 storey buildings opposite, but strengthens the new five storey facade, which is referred to in JAAP policy CH7.

As previously, the horizontal balconies and the arch-topped windows at ground floor help to divide the horizontal mass and the western end of the building, immediately behind Montgomery Motors, has been amended by contrast panel brickwork and columns of windows, which provide a degree of visual interest.

The TVIA acknowledges that the magnitude of change in this location, which is close to the edge of the Conservation Area and listed buildings in New Road, is 'High'. The assessed impact remains as 'substantial beneficial' due to improved standard of buildings and new;y planted public realm at the roadside.

Whilst this degree of benefit is debatable, the replacement of functional showroom buildings by the more-considered, varied architectural forms, including recent refinement to the upper parts of Blocks 2 & 3, together with streetside trees and landscaping, is considered to be positive. Even with the enlarged upper floors of the amended block 1, the design quality and improved public realm offer some enhancement to the setting of the conservation area and listed buildings.



TVIA C: Brighton Road (west)

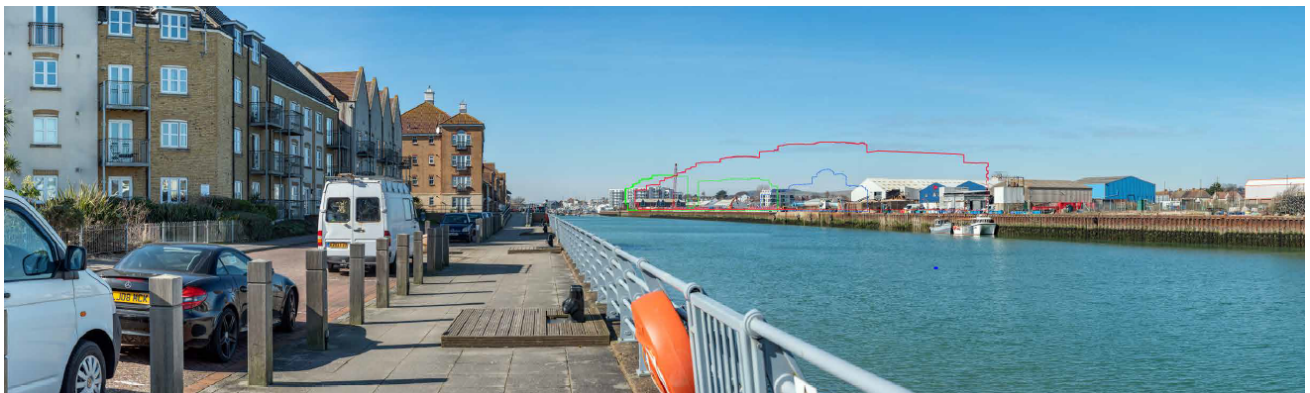


TVIA D: Riverside and Free Wharf

TVIA D This view from the environs of Emerald Quay shows the revised, reduced riverside mass of Block 4. The approved Free Wharf development is in the foreground between five and nine storeys. The assessment categorises the impact of the proposed building as ‘moderate beneficial’, being part of the wider series of similar scale buildings, with minor impacts on glimpses of the Downs beyond.

The Council’s Tall Buildings Capacity Study of 2017 recommends an arrangement of buildings in which stepping up of height will create a soft undulating skyline, to integrate with the existing horizontal nature of the landscape. At ground level, although the intervening space between the proposed Block 4 and the neighbouring block at Free Wharf is slightly less than typical Free Wharf spacings (22m compared with typical 24m - 25m spacings within Free Wharf), the reduced height of the proposal to five storeys now, Policy in accordance with the riverside height preference of Policy CH7 (8), contributes more positively than before to the undulating skyline by stepping down from taller Free Wharf development.

In closer views, (as shown in the earlier Figure 8), the additional step in the tiers of the riverside Block 4, counterbalances with the reduced depth of each step, so that the sense of undulation within the profile of the building itself is maintained.



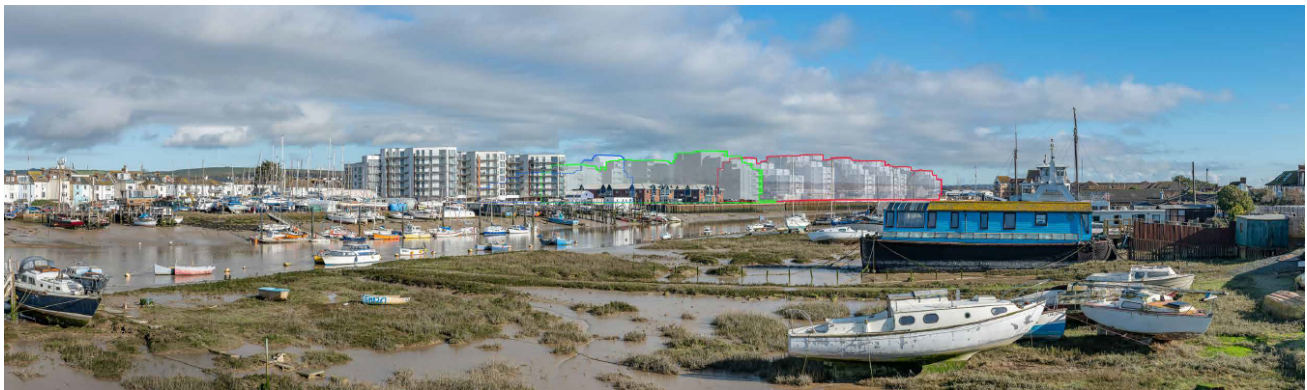
TVIA E: Riverside from Harbour Way, Shoreham Beach

In the longer distance view from Harbour Way **TVIA E** shows that the proposal makes a

relatively minor difference to the new skyline, in which the green outline of the proposal building protrudes slightly southward and above the red line of the Free Wharf profile, in the foreground.

TVIA F (below): In the view from Ferry Bridge the green outline of the amended proposal is seen alongside the greater mass of Free Wharf. In the foreground, Mariners Point appears of broadly-similar height and scale to the proposal, although it is some 6.5m lower than the lowered height of the amended proposal. The tallest point of the Civic Centre (4m above that of the proposal), is seen on the skyline further away, as a subtle high-spot, whereas the previously proposed nine storey element formed a highspot closer to the river; this is removed in the current proposal.

The reduced height of the proposed riverside block and its stepped profile now fits within the undulating silhouette of the red-line Free Wharf development behind it. In the context of this group of buildings, the assessed impact of 'moderate beneficial' is considered reasonable here.



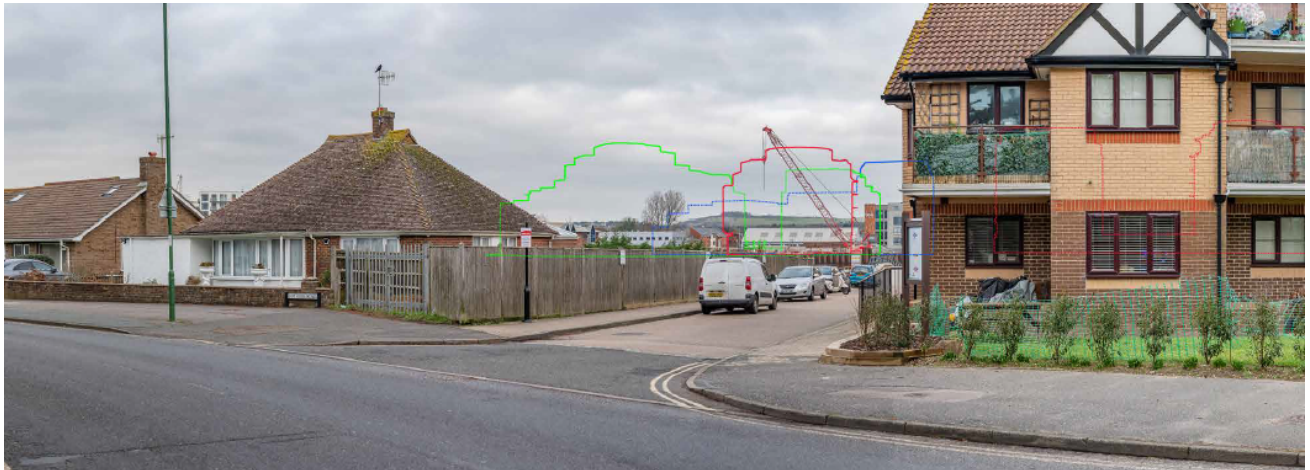
TVIA F: Riverside from Ferry Bridge (Civic Centre shown as 11 storeys)

As previously, an important consideration from this perspective is that of the relationship with the listed St Mary De Haura Church in the town centre. The photograph **F(1)** below (not part of the TVIA document) shows the Church from Ferry Bridge with the recently constructed Yacht Club building in the foreground to the east; the cottages immediately to its east are those seen to the west of Mariners Point in the TVIA F image.



F1 - St Mary De Haura from Ferry Bridge

From this vantage the seven storey Mariners Point in the foreground is 7.6m lower than the Church and 6.5m lower than the proposal but as already mentioned is similar in mass to the proposal. The removal of the 'high spot' of the previously proposed nine storey block from the skyline makes for a more consistent and visually 'quieter' skyline. This eliminates the perhaps minor risk of rivalling the predominance and singular verticality of the Church tower among the historic centre of Shoreham, further to the west. It is considered that there is no adverse impact on the heritage value of the Church and the historic centre.



TVIA G: From Emerald Quay, Riverside Rd Shoreham Beach

TVIA G: This Shoreham Beach viewpoint provides some representation of the views from homes along the northern edge of Shoreham Beach, although this public view is further from the river-edge.

The assessment observes that views are sensitive to impacts upon glimpse of the Downs, which can be seen on the far horizon. However, as the red outline of Free Wharf shows, this glimpse is already much reduced by the scheme already approved. By comparison the green outline of the proposal shows a development of a similar scale but slightly greater height. It is noted that the glimpse of the Downs is occluded by the lower third of the proposed outline; this equates to the first 3-4 storeys and indicates that this effect would result even from significantly lower buildings than those proposed. The reduced height of the amended proposal results in no change in this effect, although the proposed height against the skyline is reduced.

The assessment concludes that the impact, due to the stepped profiles of the proposed buildings, would be characterised as 'moderate beneficial' as a contribution to the wider large-scale development. Although this conclusion is also debatable, it is agreed that the harm from this vantage is unlikely to be significant relative to the wider harbourside development.



TVIA H: From East of Norfolk Bridge

TVIA H: (above) This more distant view beyond Norfolk Bridge previously identified the slight highspot of the original proposal. By contrast, the green line of the amended proposal now sits within the red-line outline of Free Wharf, with only a small exception at its northern which touches the skyline outside the Free Wharf envelope. At this distance, little of the undulating architectural form and detailing can be perceived, only the mass and skyline. The assessment conclusion of ‘minor beneficial’ is considered more likely to be regarded as neutral here.



TVIA I: From Lancing College

TVIA I: provides a limited representation of the impact from the higher ground of the South Downs. From here the proposal in green outline is seen as part of the wider cluster of existing and approved buildings. By comparison with the previous scheme, the amended proposal is no longer slightly proud of these other buildings. It is noted that the rectangular forms of St Mary De Haura and the recent Ropetackle North are discernible on the coastal horizon and are unlikely to be challenged by the roofline proposal. The TVIA assessment of minor-neutral impact is considered to be reasonable.

In summary, as previously the TVIA indicates that the largest visual impacts of the proposal are in locations closest to it, in Brighton Road and Eastern Avenue. Here, the use of consistent five storey facades reinforces the emerging character alongside the approved developments at Free Wharf and the former Civic Centre site. Architectural detailing at ground and parapet levels adds design distinction and material changes at the upper floors help in the recessing and lesser view of these.

In more distant views, including the riverside and Shoreham Beach, the reduced height and stepped profiles, is consistent with that of the approved Free Wharf development and it can be seen that the proposal observes the preferred riverside height of policy CH7. In the furthest views, including Norfolk Bridge and the South Downs, the impact among the cluster of other new buildings is considered to be minor or neutral.

Heritage

In the amended proposal the submitted heritage assessment has been updated. In accordance with National Policy (NPPF, paras 198-203), this considers the significance of; heritage assets including the Setting of the Grade I St Mary De Haura Church in the town centre; the setting of the eastern side of the Shoreham Conservation area in the New Road environs (including the two listed villas at 53-55 New Road); the setting of the undesignated Duke of Wellington PH and the Scheduled Ancient Monument at the Marlipins Museum in the High Street. Under NPPF, any harm, even if less than substantial harm, must be weighed against public benefits.

First, this assessment concludes that the existing car sales buildings and yard at the site make no positive contribution to the setting of these assets. This assessment is agreed and there is no objection to their demolition, although a flint and brick building behind the showroom, which may be a remnant of the engineering works that occupied the site around 1875, should be recorded prior to demolition. A planning condition can be applied.

The significance of the Grade I listed St Mary De Haura Church is largely due to its predominant vertical form at the heart of the historic town centre. The proposed buildings, seen between the enclave of substantial new buildings at Mariners Point Free Wharf, and the Civic Centre some 370-570m away, is not considered to impact upon this relationship between the Church and the historic town.

Any degree of harm from the additional mass formed by the proposal, would be less than substantial to the heritage value of the listed Church, due to distance and the visual association of the new building with the scale of new buildings in views from the Adur Footbridge, Shoreham Beach and west of Norfolk Bridge.

In closer views of the site from the edge of the Conservation Area in New Road, and the setting of the listed villas, any heritage impact or harm is also considered to be less than substantial. This is due to a combination of the partial visual separation between New Road and the site by other buildings, also the new landscaped frontage of the site as well as the more considered architectural form, albeit with the new enlargement to the upper floors of

Block 1. The designs include locally referenced detailing and active ground floor frontages for a variety of new commercial and public uses, in replacement to the existing utilitarian buildings on the site frontage.

The change to the setting of the undesignated Duke Of Wellington public house will be greater than from the Conservation Area, but for similar reasons as above (improved architectural quality and landscaping), the impacts are not considered to harm the setting of this distinctive bay-fronted building and bring an overall improvement to its urban context, with the considerable benefits of added vitality from the commercial frontages, use of new footpath routes and increased local resident population.

In consideration of archaeological significance, as previously the assessment notes that proximity to the Medieval origins of the historic core of the Shoreham is considered to have archaeological value. Whilst the site is outside the archaeological notification area of the County Historic Environment Record, and despite the likely presence of made ground, as indicated in the Ge-Investigation of the site, the approach taken at Free Wharf, is considered a reasonable one to repeat here. Accordingly, an archaeological investigation prior to other works, can be required by planning condition. This can include recording of the remnant flint building prior to demolition works

In summary, whilst the proposal contributes to the enclave of development to the east of the town, it is unlikely that any harm arising from its scale and design would be beyond the less-than-substantial degree stated in the NPPF. The merits of the scheme in providing a substantial number of new homes, with policy-complaint affordable housing; well designed, distinctive buildings; and new, landscaped public space and route with riverside access, are considered significant and outweigh their relatively minor, less than substantial harm upon heritage assets.

Landscaped Public Realm & Biodiversity

The amended proposal retains the previously proposed areas of public realm and shared outdoor spaces, which are described below. For the benefit of residents, areas of roof gardens to the three largest blocks, have been enlarged in the amended plans to create more usable roof-garden spaces by comparison with the somewhat narrower spaces previously. Figure 14 (below) shows the comparison.

The importance of effective hard and soft landscaping as part of cohesive designs is highlighted in Policy 15 and NPPF para 130. The Design Panel recognised the particular challenge of this application, to ensure that the new route through the site between the Brighton Road and the river, will be suitable outdoor space both for residents and the wider public, as an inviting and safe route. It advised:

“The scheme is critical to the development of the wider area and it is imperative that it acts as a seamless piece of townscape. The landscape design will be important in unifying and integrating the proposal with its wider context, in particular the proposed north-south route. The landscape is also a key opportunity for the scheme to present and

celebrate its distinctiveness...the design team should ensure this element of the proposal is fully resolved, whilst also considering frontages, materials palette and the internal layout.”



Fig. 14: Landscape Strategy
(Upper image - Proposed. Lower image - Previous)

The landscape strategy proposes a series of landscape character areas:

- **An amended street frontage** with roadside trees and shrub planters into which has been added the redesigned roadside bay in front of the central frontage block, for deliveries. Shrub planters have also been moved further forward at the easternmost of the frontage blocks, allow for access ramps and greater visual prominence to new vegetation
- the central courtyard, as previously, this would be a tree-planted pedestrian avenue lined by most of the proposed 30 trees with species transitioning from alder, holm oak and ornamental varieties, towards hardy pines towards the riverside,
- a central outdoor activity area with equipped play court to one side of the avenue for, natural play aimed at ages up to 10 years; clambering boulders and timber lattice frames and 'boule court' to the other side for older ages.
- a riverside area comprising the southern courtyard area and the new pedestrian -cycle riverside route and shingle / pebble beach reflected in natural aggregate paving and gravel mulch, supporting mixed, hardy planting and maritime grasses.
- A more intimate and tranquil lawn space between blocks 1 & 2
- roof gardens to individual upper apartments, with planters located close to edges for visibility in mid-distances views of the site.

Design distinctiveness references the former use of the site which is reflected by use of long bands of contrasted block paving with street furniture monolithic furniture, long benches (as shown in Figure 15) and untreated metal planters to evoke timber ponds, landing areas and dockside engineering history. Logias provide shade to seating near the play area along with the cooling effect of the tree canopy.

Prominent entrances are provided to buildings around the courtyard entrances, with large associated windows for inter-visibility between internal and external spaces. This includes finessing of entrances ramp designs and their edges for better integration with the wider hard landscape

Biodiversity enhancements also remain as previously. These comprise: wildlife-friendly planting in planters and linear planting beds; bird and bat boxes mounted on buildings; timber cladding of the river wall with timber ledges to create wildlife opportunities and there is no loss of tidal mud at the riverside. These measures accord with policies for the enhancement of biodiversity: SH7 of the JAAP and NPPF paras 179 - 180

Figure 15 also shows day and night time images of these landscaped spaces at day, illustrating the importance of a well lit thoroughfare to the river. Lighting details would be required by a planning condition.



Fig. 15: Landscape Images

Pathways at the eastern side of the site in Figure 16 would be constructed at the same height as the podium on which the Free Wharf development will be constructed. This provides part of the safe escape route as part of flood risk management. At the north east corner of the site, the applicant has discussed possible connection of paths which are at different levels on this part of the two developments. This is partly dependent on reconciling any necessary steps or ramp with the proposed basement car park in the proposed scheme, shown on the RHS of Figure 16. A legal agreement obligation may assist in ensuring reasonable endeavours between the owners in seeking to make a connection here.

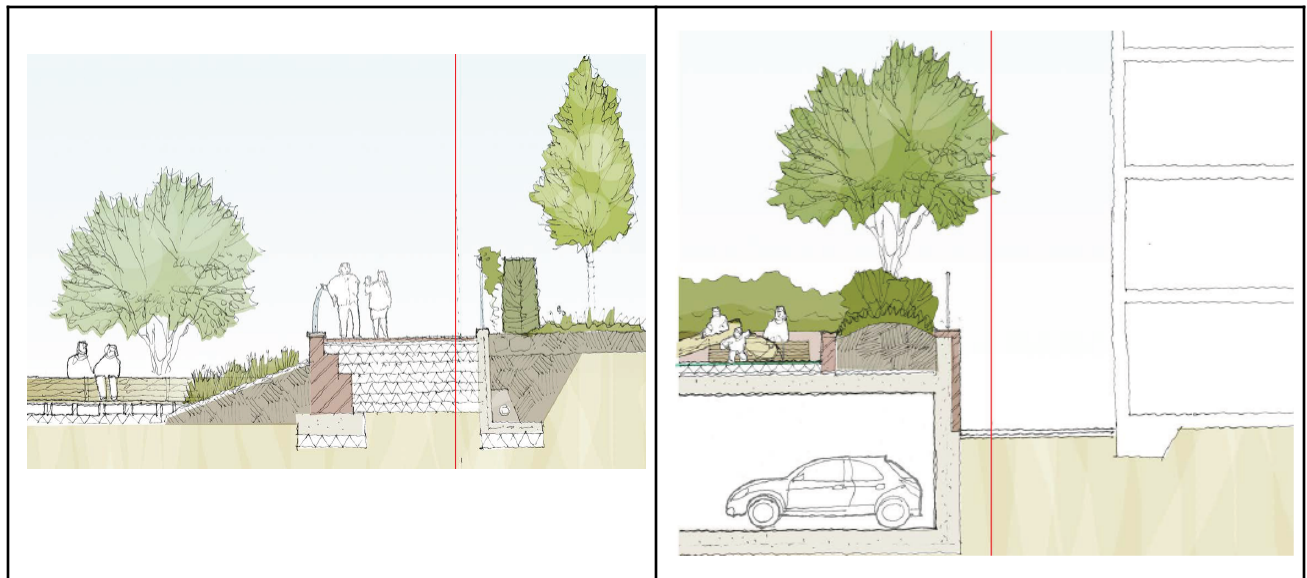


Fig. 16: Adjoining Levels with Free Wharf

Residential & Neighbouring Amenities

Noise

In the amended proposal, the submitted assessment of noise has been updated to include consideration of the 5no. additional flats at the enlarged top 2 floors of Block 1 facing the Brighton Road frontage. The comments of the Environmental Health officer are awaited, although it is noted that the previous scheme was satisfactory from this point of view subject to conditions for acoustic glazing and mechanical ventilation for road-facing flats, including those at lower floors, closer to road noise and to the Duke of Wellington, than those recently added to the upper floors. The following repeats the assessment of the previous scheme.

Noise surveys were undertaken over three 24-hour periods in October, covering a Tuesday, Friday and Saturday. These demonstrate that the existing noise climate in the front part of the site is well in excess of recommended daytime levels of 35dB for sitting/living rooms and nighttime levels of 30dB for bedrooms at night. This is largely due to road traffic noise with daytime levels reaching up to 71dB and 68dB at night, those in the environs of block 1

(west), being among the highest.

A survey of noise from the Duke of Wellington Public House (Friday 22nd October 2021), during a live performance, recorded 62dB outside the front of the venue. Although this equates to lower levels (35 - 46dB) at the application site 22m away, it would be audible in lulls in nighttime traffic noise.

The assessment concluded that windows in front facades and a small number of side elevations, will require acoustic glazing to a range of specifications greater than that of standard double glazing (specifications reduce progressively away from the road but are also required in parts of block 4 where noise levels are also up to 49dB at night).

An overheating assessment has been undertaken which assesses the potential for overheating where windows would need to be closed against external noise. This indicates that parts of the east and west facades, which are exposed to both solar gain and high outdoor noise levels, will be susceptible to overheating with windows closed. The report observes that other ventilation will therefore be needed. It also appears that this will be needed on the front elevation, where noise levels are greatest, notwithstanding their orientation away from direct sunshine.

The Environmental Health officer recommends that the extent and specification for acoustic glazing and ventilation, preferably a mechanical ventilation and heat recovery system, be made subject of a planning condition, including post installation verification to ensure effectiveness. Confirmation is awaited concerning the use of this approach to the additional apartments at Block 1.

A s.106 obligation can also require ongoing maintenance and upkeep of these mitigation measures. It is also noted that the design of these details will need to ensure that energy assumptions and CO2 savings remain within the requirements of policies, as this will also require verification by a separate planning condition.

Light

An assessment of the impact of the proposals upon natural light at neighbouring properties was undertaken for the previous proposal. Its findings are repeated below.

In the amended proposal the daylight & sunlight impacts of the reduced-height blocks will be less than the values summarised here. However, it is important to consider any change in the impact arising from the enlargement of the upper floors at Block 1, which is opposite five shops with flats above, and the Duke of Wellington Public House. An amended assessment has been requested and an update will be given. The following test is largely repeated from the previous application, with appropriate comments upon any points of difference in the new proposal.

Two types of light impact have been considered, as recommended by the Building Research Establishment (BRE). Firstly diffuse light, (expressed as the vertical sky

component of VSC). This test looks for impacts resulting from any reduction of light to an existing window such that the amount falls below either 0.8 of the existing, or 27% of potential light which would fall upon the window in a hypothetical unobstructed plane.

The assessment found that the range of percentage differences at The Mariners were slight (1-2%), with values also 0.91 and better. Buildings opposite Blocks 1 & 2 (flats at 372-376 Brighton Road. The Duke of Wellington Public House) and the recently constructed flats at 63-67 Brighton Road were affected to a greater degree, with percentage differences of 3% - 6.5%, and in one instance 8.2% at one of the seven upper windows of the public house, although this remained above the 27% level.

One other window at the Duke of Wellington fell below both the 0.8 and 27% levels, but it is agreed that the degree of loss (0.04 and 1.13%) is unlikely to be significant, the BRE method observes that this is in part due to the greater susceptibility of this window to light changes due to its position between two projected bays, which already create a degree of light limitation. The effect of the enlarged Block 1 and reduced Block 2 will be considered in the updated assessment.

The test also considered the impact of Blocks 2 & 3 on the future Civic Centre development, the whole five storey facade was considered rather than individual windows. This concluded that a great majority of the face would be unaffected, as shown in Figure 17 but that small areas on the first floor of the two Civic Centre blocks would receive less than the target 27% of available light as a result of the proposal. However, these shortfalls were each above 24% and whilst slightly more significant than at the existing public house, are considered acceptable. These impacts are expected to be less due to the reduced-height Blocks 2 & 3.

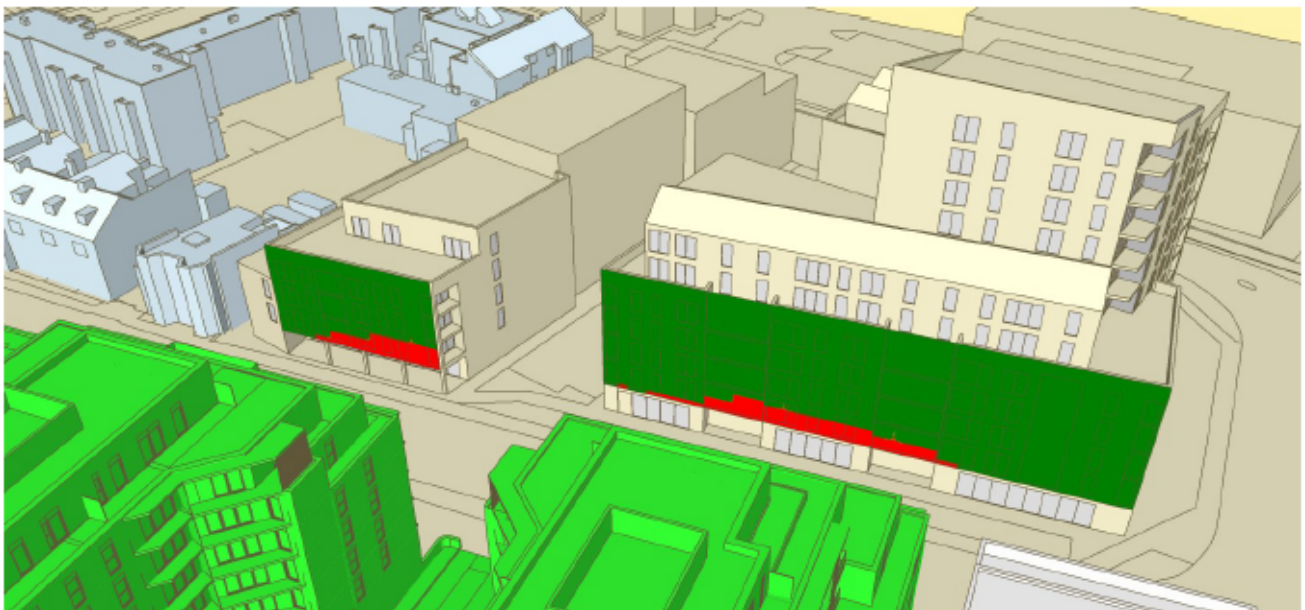


Fig.17: VSC Light Test applied to Civic Centre Development

Tests for impact upon direct sunlight (as distinct from diffuse VSC light) consider the

percentages of sunlight hours reaching existing windows, (a 5% winter test and 25% 12 month test). This test found that impacts upon neighbours during summer time would be marginal and well above acceptable percentages. Winter impacts were more pronounced, in some cases sunlight percentages would reduce from 28% to 16% and from 22% to 12% but these lower values are above the BRE recommended 5% level for winter-months.

A qualitative assessment of the relationship between the proposed block 4 and the approved block A at Free Wharf noted that the spacing of these blocks at 22.5m, although less than the typical 24.5 m interval between other blocks facing one another, is unlikely to lead to a significant difference given the west and south facing faces of the approved block. This relationship also benefits from the reduced height of Block 44 in the amended proposal

Likewise, light penetration to the riverside block is considered to be similar to that of the approved Free Wharf development, both developments use chamfered and angled facades with riverward views. The frontage blocks include a small number of one and two bedroom flats which have north-only aspect, although balconies provide some degree of east or west view, most notably the angled balconies serving north facing flats in block 1. By comparison with the remainder of the development, which achieves either dual or south, east or west aspects, the single-north aspects, which are hard to avoid due to building widths, are relatively few.

Privacy

In the amended proposal, the proposed Block 1, including the additional upper floor flats, would be situated opposite four existing shops with first floor flats and the Duke of Wellington public house. Its windows and balconies would be approximately 22m - 24m from these existing frontages. Although these distances are below typical distances of 28m sought between buildings of three storeys or more, it is noted that the proposed frontage heights are in accordance with the approach taken in policy CH7 and as such this closer relationship would be hard to avoid, even with the setting back of buildings, as is required to provide wider pavements and cycle-lane space. The distance between the proposed blocks 2 & 3 and the future civic centre buildings is slightly greater, approximately 24m - 27m.

The separation between the proposed blocks 2 & 3 within the site ranges between 22m - 25m, which is also similar to Free Wharf buildings, although these facades lack the angled window arrangements found in the proposed riverside Block 4 and its future Free Wharf neighbour, block A, where many windows are orientated riverward. However, the landscape scheme offers some mitigation in the form of the proposed tree avenue between these buildings, which in time, has the potential to filter lines of sight up to the first three to four storeys, possibly slightly higher.

Space

In the amended proposal, all apartments meet or exceed nationally described space standards. Internal layouts remain acceptable to the Council's Private Sector Housing officer, whose review encompasses all proposed units.

Externally, each apartment has a balcony or ground floor terrace. These range in size between 4.6sqm to around 15sqm, the largest of these at Block 4. Minimum or average depths are around 1.2 m, which allows for outdoor sitting. Those at ground floor are generally set behind planted strips, which afford some separation from the main pedestrian thoroughfare.

In the amended proposal, the communal roof terraces at the top of blocks 2 & 3 have been enlarged following concern included in the previous planning refusal, regarding the provision of open space. As the comparison layout at Figure 14 shows, these spaces are wider and no longer consist of narrow margins of space. They are less constrained by the location of roof plant, the recent removal of the shrouded air source heat pumps may allow a further improvement.

At ground level, the series of landscaped spaces between the buildings is unchanged in the amended proposals. These will provide for outdoor use both by residents and the public. The modest lawn area, edged with shrubs between Blocks 1 & 2 is described as a tranquil space away from the main thoroughfare of the proposed central pathway that can provide an opportunity for relatively quiet enjoyment.

In common with other recent redevelopment schemes in Western Harbour and nearby at the Mannings and Civic Centre site, it is recognised that the range of outdoor and recreational needs generated by the proposal, cannot be met on site. The nearest area of public space off-site is at the Ham offers some opportunities and is due to receive enhancements resulting from the Mannings and Civic Centre developments. However, the nearest other recreation grounds are at Middle Road, Park Avenue and beyond these, Buckingham Park.

The Adur & Worthing Open Space Study provides a method for assessing open space and recreation needs, and the cost of providing these. The reduction of seven apartments has reduced the previous estimated requirement from £330,000 with £60,000 for maintenance to £328,750 with £57,720 respectively. These will assist in off-site greenspace and recreation facilities and can be required by s.106 Agreement

Highways, Access & Parking

In the amended proposal, Highway Authority has confirmed that it is satisfied with the predicted two-way trip generation which is slightly less than the previous 46 AM peak and 42 PM residential and 16 AM peak and 7 PM commercial and that existing junctions would operate well within this capacity. As previously, vehicle tracking has been provided to demonstrate adequate access and manoeuvring space for fire tender and service vehicles.

The design of a roadside layby in front of the proposed Block 2 at the centre of the site frontage, has also been agreed by the Highway Authority, including a future plan for its slight repositioning when the roadside cycle path is constructed.

As previously, in accordance with Policies 28 & 29, the Highway Authority has requested highway impact contributions. For the previous 183 dwelling scheme these totalled £580,294 comprising:

- Joint Area Action Plan (JAAP) Measures	=	£437,574
- Adur Local Plan Measures	=	£142,720

The figures would be reduced pro-rata to a total of £558.097 to reflect the seven fewer dwellings in the current application

The Local Plan Measures figure would be used for network improvements such as at the A27 Steyning and Hangleton junctions. Those for the JAAP are likely to be used for sustainable transport improvements closer to the site. The Highway Authority has been asked to consider the Network Rail request to deploy £8k for cycle parking/store improvements at Shoreham Station, and any update will be reported.

The applicant has agreed to dedicate land at the site frontage for use as a widened footway, and to allow the Highway Authority to construct the segregated roadside cycle path in the future. These arrangements would be covered by s.106 Agreement.

Access

As previously, access for pedestrians to the commercial uses of each frontage building would be directly from the wider footpath with planters and some trees. Pedestrian ramps would serve the front entrances to proposed blocks 2-3. The doorway to block 1 requires no similar ramps as it is close to pavement level.

The main pedestrian access into the interior of the site is in the central gap between blocks 2 & 3, comprising a long, gradual rise in level. This serves the residential doorways to blocks 2, 3 & 4, all residential doorways are shown by red arrows in Figure 18 (below). In the case of block 1 the off-street pedestrian access is shared between commercial and residential users. Each building is accessible to wheelchair users.

The separate external stairwells from each block would reach the basement car park. The internal lobbies of each building would have a lift to all floors and to the basement, meeting the needs of wheelchair users.

As such each building is accessible to pedestrians, wheelchair users, prams and pushchairs. It is noted that other paths within the gap between buildings 1 & 2 include steps rather than ramps, which are necessary to accommodate the raised site levels. Therefore wheelchair access to the central courtyard of the site from block 1 would be by use of the footway in front of building 2 to the central gap.



Fig 18. Layout & Accesses to Each Block

Emergency and service vehicles (e.g refuse collections), would be able to access the central courtyard via the gap between buildings 2 & 3. Details of an entrance control mechanism / signage, and how this would be operated by appropriate vehicles, would also be required by planning condition. Other vehicles, including consumer goods and commercial deliveries, would use the roadside layby. The applicant proposes that one of the proposed commercial units would become a dedicated concierge space for the receipt and collection of deliveries.

Parking

In the amended proposal the number of car parking spaces is 80. compared with 81 previously. This change and the reduced number of dwellings increases the car parking ratio slightly to 0.45/dwelling (0.44 previously). These spaces are all in the basement and include 12 wheelchair user spaces, located close to lifts.

The total cycle spaces has increased by 4no to 359, many of which are also in the basement within secure cycle cages and some by cycle stands at ground level.

By comparison, the applicant's assessment of County Parking Guidance document, 2019 indicates an expected parking demand of 176 spaces based upon ratios in Parking Behaviour Zone 5 (PBZ 5) of 0.6 for 1-bedroom apartments; 1.1 for 2-bedroom apartments whilst for commercial space it is 1 space per 30 sq m floor area. This is summarised in Table x below.

Table 4: Parking Demand according to PBZ rates.

Land Use	Expected parking demand	Disabled parking	EV parking	Minimum cycle parking
1 bedroom apartments (×76)	46	2	19	38
2 bedroom apartments (×100)	110	6	45	50
Commercial space (595m ²)	20	1	N/A	9
Total	176	9	64	97

A higher figure of 218 spaces is produced if the PBZ3 ratios in the County Guidance are used, (0.9 and 1.3 respectively), given that the site is located in a PBZ 3 area.

A lower figure of 134 spaces is produced using census data 2011, where car ownership rates in town centre flats in Shoreham which are rented / shared ownership of 0.52/dwelling and 0.7 for privately owned flats.

Using this demand range of 134 to 218 spaces, the proposal is between 54 and 137 spaces below. Whilst noting the wide divergence between the results of these different demand calculation methods, the conclusion in each case is that there is a significant underprovision in the current proposal. By comparison other new residential developments in the vicinity show a range of rates: 0.36 at the Civic Centre, 0.79 at Free Wharf and 0.31 at the Mannings in Surry Street. The proposed ratio of 0.45 falls within the range of these rates.

There is no dedicated provision for commercial parking, which it is assumed would be provided by town centre and roadside car parking, in common with many existing town centre shops and businesses.

in common with those other developments, the applicant advocates the 0.45 rate of parking spaces on the basis of:

- the accessibility of the site to public transport and local services, which facilitates lesser car reliance
- the opportunity to provide up to eight car club vehicles in the development, along with a period of paid membership
- A travel plan to promote the use of public transport, to which the Highway Authority also recommended the provision of £150 sustainable travel vouchers, and provision for a second round of these depending on the degree of transport behaviour change revealed by a five year period of monitoring
- the significant amount of additional cycle parking space.

As previously is also relevant that JAPP Objective 5 and Policy CH4 state the expectation that developments should:

'promote sustainable transport choices through ensuring that new developments are well served by high quality, integrated and interconnected networks, improved pedestrian, cycling and public transport routes and seeking to reduce demand for travel by private car in innovative ways'.

Local Plan Policy 28 also views the provision of levels of car and cycle parking as complementary to the promotion and provision of new sustainable transport alternatives or mitigation of impacts, including consideration of impact on-street parking.

Car Club

The amended proposal adopts a similar approach to other nearby high density residential schemes, which rely upon proximity to the town centre and existing car ownership rates to support lower vehicle parking provision. Part of this approach is also in the provision of sustainable alternatives. A key part of this is the inclusion of a car club of up to eight spaces.

In common with the recently approved Free Wharf development, which provided up to 12 vehicles for 587 apartments, 6 of these at the point of full occupation, it is considered reasonable that vehicles should be provided in step with the occupancy of the development. The rate of provision would depend upon whether or not the new blocks are occupied all together or in phases. It would appear reasonable to require between 2-4 no. car club vehicles at the point of full occupation. Thereafter a five year monitoring plan would review the potential increase to the 8 vehicles. This can be included in a s.106 Agreement.

In summary, it is considered that the proposed parking provision is consistent with other schemes which have used a mixture of lower parking provision rates alongside car clubs and sustainable travel plans, to promote lower reliance upon private cars in accordance with policies. As such the proposal builds upon the strength of the accessible location at

the intersection of town centre and harbour area.

Finally, it is noted that charging for electric vehicles is included; 32no. spaces (39%) would be live and all others would be provided with ducting/cabling to allow for later provision. This will need to be slightly increased to 41% in order to meet with the target sought in County Guidances for development approved in 2023. The effect of recent Building Regulation changes may also further increase the number of live charging points.

Flood Risk & Drainage

In the amended proposal these matters are unchanged. Flood defences are accepted by the Environment Agency, subject to a condition for a flood door to the basement car park by planning condition. Confirmation is also awaited from the applicant that the adjoining owner (Southern Housing Group at Free Wharf), is satisfied with one of the flood evacuation paths through its site. The Council's Safety and Resilience officer has requested details of a flood warden / responsible person for managing responses to a flood event to be written into a revised flood evacuation plan, An obligation for the owner/management company to adhere to this and keep flood safety arrangements up to date would be part of a s.106 agreement.

Subject to these requirements, the following flooding and drainage assessments are as previously.

Flood Risk

The site lies within Flood Zone 3, which equates to a risk factor of a 1 in 200 year risk of tidal flooding from the river or 1:100 year risk from other sources, although tidal is the principal risk factor here. In accordance with NPPF, the allocation of the site for development, including commercial and residential uses via the Local Plan and Area Action Plan formulation and adoption processes, has undergone a sequential flood risk. This has identified the suitability of the site for development, subject to certain ('exceptions tests') requirements.

These include a requirement for development to be flood defended, with floor levels set at heights appropriate to each type of use, as identified by the Environment Agency. Escape routes are also required and building resilient design is recommended, particularly at ground floor. The current planning application is accompanied by a Flood Risk Assessment which describes how these exception test requirements are met.

This explains that based on predicted flood water levels of 5.08m, residential floor levels are to be 6.2 mAOD for residential and 4.4 mAOD for commercial, as required by the Environment Agency. Public realm and paths at the northern half of the site would be set at 5.60mAOD in order to provide safe means of escape, this would extend to the doorway of the southern riverside block (located on its northern end).

By comparison with the existing levels of the site, which are 3.7m AOD in Brighton Road and slightly higher at the River edge (4.4m), this means that new ground level within the

site will be between 1.2m - 1.9m above existing ground level. This is achieved by the use of a two stage shallow ramp at the central pedestrian access, (which is also available as access for emergency vehicles). Figure 19 shows this arrangement, the raised counters shown in black (Brighton Road is to the right of the image, the proposed buildings are not shown)

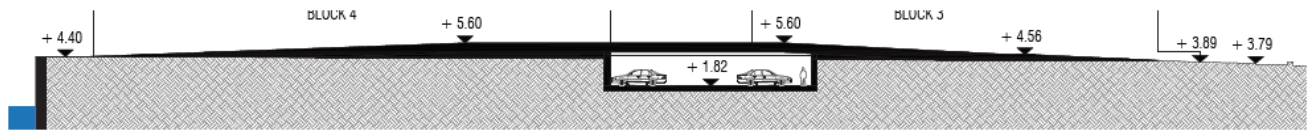


Fig. 19: Flood Defended Ground Contouring

These arrangements provide for safe refuge in proposed homes. Commercial premises, set at a lower floor level are less defended, but in accordance with National Policy are regarded as less vulnerable, this arrangement is agreed by the Environment Agency but mitigation in the form of demountable flood defences may be accommodated within Flood Management & Escape Plan, as a condition of planning permission. Other measures include flood resilient air vents and drainage valves, solid floods at ground floor level and raised electrical sockets.

In the basement car park escape stairs and signage are proposed. A flood door at the street entrance to the basement can be subject to a planning condition mindful of the recommendation of the Environment Agency to ensure suitable water pressure resistance and, in visual terms, the potentially conspicuous position this would occupy in the street frontage.

Evacuation of the site through the adjoining Free Wharf is also provided by the eastern footpath at Figures 16 & 18. Confirmation has been sought that this has been accepted by the adjoining owner.

Surface Water - sustainable drainage

Surface Water drainage is proposed to discharge mainly directly to the river via three outfall pipes set at heights which are variously at or below existing ground level. This accords with the Over-The-Wall sustainable drainage (SuDS) approach encouraged by the County Lead Local Flood Authority. The SuDS approach meets requirements of Local Plan policy 36 and SH6 of the JAAP .

Following requests of the Council's Drainage Engineer, the availability of on-site surface water storage capacity has been clarified. This comprises an extensive area of permeable surface and base material in the central courtyard and site entrance, where raised site levels are above predicted flood water height. This allows stored water to flow into the surface water system and eventually the river as floodwaters retreat from the less defended southern part of the site.

Forecourt drainage at the site frontage is indicated to connect into the existing surface water system. A modest underground storage tank is also proposed to store and attenuate

the outflow, in accordance with SuDS principles.

The basement parking area would be membrane-lined as part of the proposed ground remediation strategy, in order to minimise risk of any residual contaminants passing into surface water drainage. Also mindful of pollution risks to marine waters, as highlighted in the adopted marine plan referred to in the MMO consultation response, petrol interceptors and trapped gullies within the drainage system would also form part of the water pollution management.

Foul Water

Foul drainage currently passes to the public combined sewer in Brighton Road, to the north east of the site. The proposal for the separation of much of the surface water outflow reduces the degree of impact of the development on this system and Southern Water has confirmed its acceptance of the drainage assessment which shows no flows greater than existing levels.

It is noted that foul water drainage from Block 4 may either be pumped or routed through pipework in the basement, although this second option presents a risk that pipework would be exposed and potentially vulnerable to damage. The future management of any pumped system would be covered by an obligation in a s.106 Agreement, which would include provision either for a management company or transfer to a statutory undertaker.

Other Matters

Ground Remediation

The application is accompanied by a first stage 1 ground investigation report. The Environmental Health officer agrees with its findings concerning the presence of ground contamination. Planning conditions are recommended akin to those used and executed at the neighbouring Free Wharf site, for further investigation and remediation, followed by verification of completed remediation. This dovetails with conditions recommended by the Environment Agency, for protection of groundwater during construction, including details of any piling works to be approved.

Fire Safety

In the amended proposal there is a new provision of separate fire escape stairs from the basement car park. These will exit to the outside of the proposed buildings at ground level, rather than via the internal staircase. This responds to the previous recommendations of the Health and Safety Executive, whose response to the amended plans are awaited.

The re-planned Internal lobby areas to these buildings retains the provision for wheelchair users to reach lifts.

Air Quality

In the amended proposal, the air quality assessment has been updated to identify the degree of air impact arising from the revised number of predicted vehicle trips associated with the revised number of dwellings. The comments of the Environmental Health officer are awaited.

The site is within 30m of the Shoreham Town Centre Air Quality Management Area to the west. Previously, the levels for particulate matter (PM 2.5 & 10) were predicted to be within National Air Quality Objective levels. Changes in NO₂ levels were said to be negligible or slight at 3 sample locations in New Road and moderate at one location in Brighton Road, close to Humphreys Gap, although this is said to be due primarily with the combined effect of other developments with the proposal. An update will be given upon receipt of the Environmental Health officer comments.

Employment & Skills

As previously, the applicant has agreed to the inclusion of an employment and skills plan in a s.106 agreement. In common with other development in or close to the regeneration area, this would include liaison with local colleges for the provision of training opportunities during the construction period, and with local employment services to encourage uptake of local labour and skills as well as local procurement of services where possible.

Art

In accordance with the Council's Infrastructure Guidance document of 2013, the development would include provision for art. This can be secured through the s.106 agreement, with a parallel planning application to require details to be agreed. This may further enhance the public realm at the site or other locations nearby

Infrastructure & S106

As previously, the incorporation of a Registered Provider has enabled the developer to offer all the requested development contributions as set out in the table below.

Whilst, a number of residents and community groups have questioned the lack of infrastructure coming forward in parallel with recent developments that are being built along the Western Harbour Arm, it should be noted that the adopted JAAP and supporting studies recognised that there would be a time delay with any supporting infrastructure as sufficient funds would need to be accumulated over time to undertake significant improvements.

In terms of transport, the mitigation measures identified in the 2017 Transport Study (which supported the Local Plan allocations) included works to 6 junctions to improve capacity and a variety of sustainable transport improvements. Three of these junctions are on the A27 and the only junctions to be directly improved as a result of Shoreham Harbour developments were the Norfolk Bridge and Hangleton/A27. The County Council is currently

pursuing detailed designs for the Norfolk Bridge junction and further public consultation is planned. National Highways have been asked to provide an update on the A27 junctions but these are likely to be delayed pending final plans for the Worthing to Lancing improvement scheme for the A27.

The biggest single intervention being proposed is the segregated cyclepath along the A259. The current application provides the required area of frontage land as part of this. The cyclepath can only be delivered once all sites have been built out and frontage land secured. The segregated cyclepath would also require additional funding to ensure its delivery and current Active Travel funding might be an option to address the shortfall. Again public consultation on the more detailed design for this route is expected later in the year.

In terms of other infrastructure projects the County Council has indicated that current pupil numbers would not require an additional primary school but that funds are still being collected to increase primary provision in the future if required. In terms of Secondary provision there are plans to expand Sir Robert Woodard to meet increased demand for Secondary schools places within the District.

Contributions for health and libraries are being collected to improve facilities at Pond Road. Members will be aware that improvements to the library and medical centre here are long overdue but are still hampered by viability issues. Further s106 contributions from major developments approved recently will improve the viability situation but other options rather than complete redevelopment are currently being investigated.

A contribution is also required for open space and recreation needs which cannot be met on site. The applicant agrees to the £328,750 with £57,720 for maintenance, in accordance with the Council's Open Space Study.

An important issue here is that key infrastructure providers including Southern Water Services raise no objections to the proposed development and in all instances the relevant contributions to mitigate the impact of the development are being met. Whilst the concerns of the local community are appreciated, it is important to stress that new development cannot address existing infrastructure deficiencies but can only mitigate any additional impacts. Furthermore it is not within the developers gift to deliver off site infrastructure improvements.

Nevertheless, the Local Plan review will be reassessing some of the JAAP policies having regard to the density of development already approved along the Western Harbour Arm given that there is still approximately 40% of the allocated area still to be developed. At the same time it would be important to review the previous mitigation measures proposed in light of current NPPF advice and determine whether there is scope to accelerate any infrastructure provision. A summary of s106 requirements is in Table 5 below.

Table 5: s.106 Obligations

	Obligation	Terms
	Highways, Access & Parking	
1	Highway Improvements Contribution	<ul style="list-style-type: none"> • £558,097 contribution towards measures included within the Local Plan and JAPP • [to include £8k for cycle storage at Shoreham Station, if agreed by Highway Authority]
2.	Highway Improvements A259 Cyclepath	<ul style="list-style-type: none"> • Dedicate Cycle-Footpath land along A259 Brighton Road frontage on receipt of request from WSCC and/or • Uninterrupted public access to widened footpath.
3.	Car club	<ul style="list-style-type: none"> • Provide [x no.] vehicles on first occupation • Provide [x no.] vehicles on full occupation • Procurement of a supplier to provide [x no.] cars • Paid membership per household for 2 years • £50 drive time per household • Monitoring, review and liaison with County and District Councils for five years from full occupation with consequent increase in vehicles where reasonably required up to a maximum of 8no.
4	Car Park	<ul style="list-style-type: none"> • Car Park Management Plan to be agreed under planning condition prior to occupation • (Note: This is to ensure most effective practical uptake of all spaces if allocated and to minimise risk of 'locking-up' of unused spaces. It will include identification and maintenance of visitor parking, Car Club Spaces, and of EV charging points and ducting).
5	Travel Plan	<ul style="list-style-type: none"> • Appointment of Travel plan coordinator for five years • Liaison with County Council • Fees for County Council liaison (£3,500)

6.	Riverside Access	<ul style="list-style-type: none"> Uninterrupted public access to riverside walk including interior of site from Brighton Road to riverside Connection of Riverside Path to adjoining sections of riverside path
	Housing	
7	Affordable Housing	<ul style="list-style-type: none"> Provision of at least 30% / 53no. Affordable Homes, comprising 75:25 Affordable Rented: Intermediate Tenures. Affordable size mix : To reflect market housing mix. Affordable Rented Definition [social rent or rent set at LhA levels] Nominations for Affordable Rented according to using Council's Standard Nominations agreement
	Other Obligations	
8.	County Infrastructure* (non-highway)	<ul style="list-style-type: none"> Education (primary) £128,423* Education (secondary) £138,218* Education (six form) £32,378* Libraries £58,090* Fire and Rescue £4487* Sums to be reviewed and updated after 3 months of Committee resolution <p>* £ Values to be amended upon response from County Council</p>
9.	Health	<ul style="list-style-type: none"> Financial Contribution £206,366
10	OpenSpace & Recreation	<ul style="list-style-type: none"> Financial contributions: £328.750 for provision of public open space or Improvements and recreation works within Adur District and £57,720 maintenance contribution
11	AirQuality Mitigation	<ul style="list-style-type: none"> Payment of [£xx.] prior to occupation unless it is first agreed that air quality mitigation measures have

		reached or exceeded that value.
12	Public Art	<ul style="list-style-type: none"> • Contribution of £ [x]
13	District Heating	<ul style="list-style-type: none"> • Provisions for connection to Shoreham Harbour District Heating System.
	Site Management	
14	Site Management	<ul style="list-style-type: none"> • Car Park Management and Servicing Plan • Secure cycle stores to be maintained • Implementation of Travel Plan • All common areas to be maintained, including watering and pruning; • Sustainable drainage, including arrangements for maintenance and end-of-life replacement. • Maintenance of acoustic glazing and associated ventilation/ventilation systems • Green roofs and other landscaped areas on buildings • On-site heating system • Footpaths, including Riverside path • Bin stores and litter bins
15	Local Procurement and Skills	<ul style="list-style-type: none"> • Employment & Skills Plan to be agreed pre-commencement • To include provisions for working with local learning, skills and employment group (s) and/or colleges and/or training establishments, in order to procure local labour and arrange apprenticeship(s) and skills training during the construction phase. • Implementation in liaison with Council's Economy & Skills Officer

Conclusions & Planning Balance

The amended proposal has responded to previous concerns regarding the height and massing of the previously refused scheme. The removal of a storey from each of the three largest blocks has brought the development below the height of its approved neighbours such that it now sits within the new skyline formed by these developments.

It also observes the recommended five storey maximum heights at the road and riverside under policy CH7 and creates consistency along the Brighton Road frontage.

Impacts of the development upon heritage assets, including the setting of the Conservation Area,, listed Buildings In New Road and the pre-eminence of the listed St Mary De Haura Church are considered to be less than substantial, and outweighed by the benefits including new housing, design quality and new public access and public realm, in accordance with NPPF paras 196-205 and Local Plan policies 16 & 17

The impact of the enlarged upper floors at Block 1, is considered reasonable in accordance with NPPF and Policies 15, 34 & CH7, subject to satisfactory final information concerning light impacts and the satisfaction of the Environmental Health officer concerning noise and ventilation.

In reply to the previous reason for refusal, the reduced number of homes has also adjusted the balance between new residents and the provision of open space and parking. In terms open space, the re-planned and slightly enlarged communal roof gardens provide greater opportunity for new residents, whilst the mechanism for contributions towards other off-site recreation improvements in accordance with the Councils adopted Open Space Study and Policies 29 & 30, is in-step with the approach taken at other recent developments at the Civic Centre, Kingston Wharf, Mannings and Free Wharf.

Car parking ratios are similar to, and in some cases greater than these other developments. In accordance with Policy CH7 and NPPF, alternatives to private car ownership in the form of substantial cycle provisions, car club vehicles and travel, build upon the intrinsic sustainability benefit of the location close to the town centre and public transport

In consideration of housing need, the proposal would take the total of dwellings in the Western Harbour Arm modestly above the minimum 1100 no. of the JAPP policy CH7. It is noted that this is not precluded by JAPP or Local Plan policies and that the proposal would make the requisite policy provision for affordable homes and contributions to infrastructure in accordance with consultee requests and Local Plan policies.

It is noted that a greater proportion of affordable homes may result from the incorporation of the Vivid Housing Association as a strategic partner with Homes England, although this would be beyond the scope of a planning decision.

It is also relevant that housing delivery within Adur District will be tested against higher needs in the future, given the age of the 2017 Local Plan. Therefore greater weight would be given to the presumption in favour of sustainable development under the NPPF para 11. Mindful of this, the benefits of the development in delivering homes and regeneration in this sustainable location in accordance with the raft of Local Plan and JAAP policies are significant. It is not considered that the development would have adverse impacts which would significantly and demonstrably outweigh these benefits in the planning balance and the support given by national policy guidance to sustainable development.

The application is therefore considered to accord with Local Plan policies and National guidance and is recommended for approval subject to the remaining information required concerning light impact and acoustic-ventilation needs of Block 1; renewable energy; satisfactory consultee responses (including Health and Safety Executive - HSE) s.106

requirements considered throughout this report and summarised in Table 5, together with the following conditions below.

Recommendation

To delegate authority to the Head of Planning and Development to grant planning permission subject to:

- i) The receipt of satisfactory comments from the County Planning Officer, HSE and Environmental Health;**
- ii) The completion of a s106 agreement securing affordable housing and the development contributions set out in the report other than minor variations agreed in consultation with the Chair of Planning Committee and,**
- iv) Subject to the following planning conditions:**

Subject to conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

[Insert drawing numbers]

Reason: *For the avoidance of doubt and in the interests of proper planning*

2. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: *As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004*

Phasing (and Enabling Works)

3. a) Prior to commencement of any works on site a phasing programme, (which shall include any phase or phases of Enabling Works) shall be submitted to and agreed by the Local Planning Authority. Development shall be implemented in accordance with that phasing programme and details required under conditions of this planning permission, shall be submitted and approved in accordance with that phasing programme.

b) For the purposes of the conditions of this planning permission, 'Enabling Works' shall comprise the following:

- i. Demolition of any structures above ground level.
- ii. Removal of building foundations & slab and associated above ground cables, pipes or ducts.
- iii. Breaking-up and crushing of existing hard-standings.

- iv. Removal of below ground cables, pipes or ducts.
- v. Re-routing of existing sewer main.
- vi. River-wall survey works, including excavation to assess existing condition.
- vii. Site survey works (other than river-wall survey) to inform the design of remediation works.
- viii. Creation of a piling mat using clean rubble or similar clean material.

Reason: *To provide for phased but comprehensive and co-ordinated development of the site in accordance with the general and site specific policies set out in the Adur District Local Plan 2017 and the Shoreham Harbour Joint Area Action Plan 2019.*

Enabling Works

- 4. The following Enabling Works at condition 3b) shall only be undertaken after the following details have been submitted to and approved in writing by the Local Planning Authority:

(iii) Breaking-up and crushing of existing hard-standings.

Details of measures to manage and minimise noise, vibration and dust.

- (iv) Removal of below ground cables, pipes or ducts
- (v) Re-routing of existing sewer main
- (vi) River-wall survey works, including excavation to assess existing condition.

Details of measures to be taken to minimise and manage risk of contamination, (including risks to human health and the water environment), noise and dust

The details thereby approved shall be fully adhered to in the undertaking of the respective Enabling Works.

Reason: *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, and to manage impacts of noise, vibration and dust in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

River-wall works

- 5. Prior to commencement of works to replace or repair the river wall and/or sheet piling, full details shall be submitted to and approved in writing by the Local Planning Authority, which includes the following:
 - i. riverside retaining walls and associated cappings and railings, engineering details and cross-sections and details of external appearance and finishes,

- ii. the inter-relationship between the riverside retaining wall, new riverside path and site drainage, and
- iii. measures to be taken to minimise and manage risk of contamination, (including risks to human health and the water environment), noise and dust

The details thereby approved shall be fully adhered to in the undertaking of the respective Enabling Works.

Reason: *To ensure that the proposed development is satisfactorily provided with required infrastructure including riverside defences, pathway and drainage, to ensure an appropriate and high quality appearance and to manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, and to manage impacts of noise, vibration and dust in accordance with Policies 15, 18, 29 & 34 of the Adur Local Plan 2017, Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 170, 178 - 180 of the National Planning Policy Framework 2019.*

Materials and Details

- 6. With the exception of Enabling Works in Condition 4, (and unless agreed otherwise in writing by the Local Planning Authority), no works above ground level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority and all development of that phase pursuant to this permission shall be carried out and permanently maintained in full accordance with details thereby approved:
 - a) Details and samples of the materials to be used on all external faces of the building(s) and ground surfacings, including colours and finishes;
 - b) Details, including 1:20 drawings and profiles of external columns doors; windows and frames; roof intersections, soffits, parapets & cappings, balconies, balcony screens and external rails;
 - c) Any external plant and utility cabinets, their location, size, design, materials, colours and finish and any associated ducting,
 - d) Details of solar panels and height relative to adjoining parapets / roof edges,
 - e) Details of any external lighting, including measures to minimise light pollution and impact on river navigation, and arrangements for verification of these measures, which shall be implemented,
 - f) Details of pedestrian and vehicular access ramps and steps and ground floor plinths, including detailing and/or materials to add visual interest,

- g) Details of the location and design of any externally visible ventilation louvres, gaps or ducts

Development shall only be carried out in accordance with the details thereby approved and this condition shall apply notwithstanding any information contained in the current application.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policies 15 of the Adur Local Plan 2017 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Landscaping, Play and Biodiversity

- 7. A) Hard and soft landscaping ('soft landscaping' means new planting, associated ground preparation and biodiversity enhancement measures) for each phase of development shall be completed 'according to the approved phasing plan under condition 3 of this permission, (with all planting to be completed no later than the first planting season following the occupation of each phase).

B) Before the commencement of development above ground level, (other than Enabling Works), and unless otherwise agreed in writing, the following details shall be submitted to and approved by the Local Planning Authority:

- i) Details of hard landscaping materials and surfacing
- ii) Details of provisions for informal play & recreation
- iii) Any external seating
- iv) Planters and tree pits including irrigation and drainage
- v) Ground preparation to create a planting medium
- vi) Biodiversity enhancement measures
- vii) Details where appropriate, of any temporary landscaping at the public footpath along the Brighton Road frontage
- viii) A maintenance plan to ensure full establishment of new planting

C) Development shall thereafter be carried out in accordance with the approved hard and soft landscaping plans, phasing plan and the details at B)(i-viii) above, and the planting maintained, in accordance with the approved details and the phasing plan. Any trees or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: *To ensure the provision, establishment and maintenance of hard and soft landscaping on the site, including provisions for play & recreation and biodiversity, and to provide for minor revision to the landscaping layout at point B i) in accordance with policies 15 & 30 of the Adur Local Plan 2017 and Policies SH 7& CA7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Means of Enclosure gates or barriers & Permitted Development restriction

8. Before the commencement of development above ground level, (other than Enabling Works), details of all means of enclosure, gates or barriers for any phase shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided for each phase of development prior to the occupation of each such phase. No additional or other means of enclosure, or increase in height of any means of enclosure shall be carried out without the prior written approval of the Local Planning Authority, and this restriction shall apply equally to any balcony or terrace and this condition shall apply notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting that Order.

Reason: *In the interests of visual amenity, to ensure an ongoing high quality appearance and character of development in accordance with policies 15 of the Adur Local Plan 2017 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Commercial Units - Uses and limitations

9.
 - i) The commercial spaces hereby approved shall not (with the exception of the unit to be used for deliveries under condition [x] of this permission) be used other than for purposes within Class E Town and Country Planning (Use Classes) Order 1987, (as amended) and notwithstanding the provisions of Schedule 2, Part 3 of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting these Orders they shall not be used for any other purposes whatsoever.
 - ii) Prior to the commencement of any use within Class E for any indoor sport, recreation or fitness or any creche, day nursery or day centre, details shall be submitted to and approved in writing by the Local Planning Authority including hours of use, measures to minimise risk of noise and disturbance to neighbours or occurrence of odours, measures to minimise and control traffic and deliveries and anticipated numbers of staff and visitor and customers. These uses shall only operate in accordance with the details approved by the Local Planning Authority

Reason: *To provide an appropriate commercial use of the space in accordance with the current application, to add vitality but also to minimise risk of conflict with neighbouring residents at the site or adjoining sites, in accordance with policies 8 & 28 of the Adur Local Plan 2017 and SH3 & CA7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Commercial Units - Hours

10. The commercial spaces shall only be used and open to customers and visiting members of the public between the following hours, (unless otherwise approved in writing by the Local Planning Authority, including any written approval under condition

[x] of this permission, which may include other or shorter hours):

Monday – Saturday 07:30 – 23:00

Sunday & Bank/Public Holidays: 08:30 – 20:00

Reason: *To achieve a balance between business needs and the protection of residents immediately adjacent or close to the premises from noise and disturbance in accordance with Policies 15 and 34 of the Adur Local Plan and SH7 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Commercial Units - Noise Insulation

11. a) Construction work (with the exception of any demolition or stripping out), shall not commence until an insulation scheme for protecting the first floor flats from noise from the commercial spaces has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors.

b) Before the residential units are occupied a test shall be undertaken to demonstrate compliance with this level and submitted to and approved in writing by the Local Planning Authority.

Reason: *To protect neighbouring residents from noise and vibration in accordance with Policies 15 and 34 of the Adur Local Plan and SH7 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

12. Commercial Units - Ventilation & Amplified sound

- i) No kitchen for the preparation of hot food shall be installed in any commercial space unless details of means, plant or equipment for the extraction and disposal of cooking odours have been submitted to and approved in writing by the Local Planning Authority.
- ii) No external fixed plant serving the café space shall be installed until details have first been submitted to and approved in writing by the Local Planning Authority. The design shall have regard to the principles of BS4142:2014 and aim to achieve a rating level which is no greater -5dB above existing background noise level, shall include any necessary anti-vibration mountings and any necessary odour control.
- iii) No amplified sound equipment in or outside the commercial spaces terrace shall be used until details have been submitted to and approved in writing by the Local Planning Authority, including proposed hours of its use and to ensure that any sound level measured 1m from any speaker or equipment shall not exceed 75dB(A) LAeq 1 min.

The use of the commercial spaces shall only take place in full on-going conformity with any details approved under this condition.

Reason: *To protect neighbouring residents from odour, noise and vibration in accordance with Policies 15 and 34 of the Adur Local Plan and SH7 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Commercial Units - Advertisements

13. Details of any external signage for the commercial spaces (whether illuminated or non-illuminated), shall first be submitted to and approved in writing by the Local Planning Authority prior to the occupation of each respective space. Thereafter no additional illuminated signage shall be erected without the prior written approval of the Local Planning Authority.

Reason: *In the interests of visual amenity and in consideration of the site prominence, the setting of the nearby conservation area and listed buildings, to achieve a balance between business needs and the impact and appearance of signage in accordance with policies 15 of the Adur Local Plan and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Highways & Access

14. No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses serving that part of the development have been constructed in accordance with the details shown on the drawing titled [XXX and numbered XXX].

Reason: *In the interests of road safety and to ensure suitable access to and around the site, including provision of the riverside path in accordance with policies 28 & 29 of the Adur Local Plan 2017, SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.*

Accesses and Frontage Specifications

15. With the exception of any Enabling Works, no development shall take place until construction details of the vehicular access and manoeuvring and parking areas within the site and their surface water drainage, including engineering cross-sections and specifications, and details of the design and surfacing of the public footpath, vehicular crossovers at the Brighton Road frontage, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details thereby approved and permanently maintained and retained.

Reason: *To ensure provision of robust and drained access, parking and manoeuvring areas, including suitability for servicing, refuse and emergency vehicles,*

including sustainable drainage where appropriate in accordance with policies 28 & 29 of the Adur Local Plan 2017, SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.

Car-Park Barrier

16. Any gate to any parking area in the site shall be sited at least 6m back from the edge of the public highway. Details of any gate and of any entry control system (if used), shall first be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting that Order.

Reason: *To provide vehicle waiting space clear of the public highway in the interests of the safety and free flow of vehicular traffic and pedestrians and in the interests of visual amenity, in accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Vehicle Parking

17. No part of the development shall be occupied until the vehicle parking and manoeuvring spaces serving that part (including associated visitor/unallocated parking and car club space) has been constructed and provided in accordance with the approved details. Once provided the spaces shall thereafter be permanently retained at all times for their designated purpose.

Reason: *To ensure the provision of well-located car-parking facilities and sustainable parking to serve the development in accordance with policies 28 of the Adur Local Plan 2017 and SH5 of the Shoreham Harbour Joint Area Action Plan 2019.*

Electric Vehicle Charging

18. No part of the development shall be first occupied until Electric Vehicle Charging spaces and ducting/cabling have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority and shall be permanently maintained thereafter.

Reason: *To ensure the provision of well-located Electric Vehicle Charging spaces to serve the development in accordance with policies 28 of the Adur Local Plan 2017 and SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019.*

Secure Cycle Parking

19. No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority and shall be

permanently maintained thereafter.

Reason: *To provide alternative travel options to the use of the car in accordance with policy 28 of the Adur Local Plan 2017 , SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019 and para 110 of the NPPF 2019.*

Travel Plan

20. No residential part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented including any monitoring, reporting and subsequent updating measures in accordance with each Travel Plan thereby approved.

Reason: *To encourage and promote sustainable transport in accordance with policy 28 of the Adur Local Plan 2017 , SH1 & SH5 of the Shoreham Harbour Joint Area Action Plan 2019.*

Access only for Service & Emergency Vehicles

21. Other than vehicular access to the basement car park, no vehicles or deliveries, other than service and emergency vehicles, shall access into other parts of the site. Details of physical obstructions and /or barriers and signage to prevent unauthorised vehicular access shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the site and shall be implemented and permanently maintained and adhered to thereafter.

Reason: *To manage vehicular access in the interests of highway and pedestrian safety and amenity to avoid traffic within the interior of the site, other than emergency and service vehicles in accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Deliveries

22. Details of arrangements for the use of one of the commercial units at the front of the site for concierge purposes and to receive deliveries to the site, for the benefit of site occupiers, shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the site. Thereafter the unit shall only be used for this delivery purpose and for no other use.

Reason: *To manage deliveries to in the interests of the safety and free flow of vehicular traffic and due to the need to avoid other traffic within the interior of the site, other than emergency and service vehicles in accordance with policies 15 & 28 of the Adur Local Plan 2017 and SH5 & SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Wheelchair access – apartments and all external areas

23. Accesses to the apartment block and all common external areas of the development using level thresholds and ramps shall provide for access by wheelchair users, unless otherwise approved in writing by the Local Planning Authority.

Reason: *To ensure accessibility for wheelchair users in accordance with policies 15, 28 & 32 of the Adur Local Plan 2017 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Recycling & Refuse Stores

24. No part of the development shall be occupied until the refuse storage space(s) serving it have been provided in accordance with the approved plans and shall be permanently retained and maintained thereafter.

Reason: *To ensure adequate internal storage space for refuse in accordance with policy 15 & 18 of the Adur Local Plan 2017 and the interests of Highway safety and residential and public amenities.*

Flood Risk and Riverside Management

25. The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment ('FRA') (entitled 'Flood Risk and Drainage Strategy', Project Ref: 332510124/4001, Revision C, dated July 2021, by Stantec) and Technical Note (Technical Note, Job No: 332510124/4001, Note No: TN006, dated March 2022, by Stantec) and the following mitigation measures detailed therein:

- i. Finished floor levels of the residential properties must be set no lower than 6.2 mAOD (Sections 6.2.8 and 10.2.1 of the FRA).
- ii. Finished floor levels of the commercial units must be set no lower than 4.4 mAOD (Item 5 of the Technical Note, pages 5 and 6).
- iii. New flood defences for this site (Appendix F of the FRA) must be built at the height of 5.6 mAOD or higher (Section 6.2.4 of the FRA).
- iv. There must be at least 5 metres of unobstructed space between the river wall and the development to provide access for emergency and maintenance purposes (Item 3 of the Technical Note, pages 3 and 4).
- v. The footpath connecting the development to the neighbouring Free Wharf development site to the east shall be set no lower than 5.6 mAOD (Sections 6.3.4 and 10.2.1 of the FRA).

These mitigation measures shall be fully implemented prior to occupation of the development and subsequently in accordance with the scheme's timing/phasing arrangements. They shall be fully maintained in accordance with the scheme's timing/phasing arrangements and shall be fully retained and maintained throughout the lifetime of the development.

Reason: *To reduce the risk of flooding to the proposed development and future occupants, in accordance with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019.*

Repairs to existing steel sheet pile wall

26. The development hereby permitted shall not be occupied until such time as the identified repair works in the Technical Note (Technical Note, Job No: 332510124/4001, Note No: TN006, dated March 2022, by Stantec) item 2, page 2 to Steel Sheet Piles (SSP) wall along the river frontage have been completed.

Reason *Repairs must be undertaken to make river walls fit for purpose prior to any occupation of the site to protect future residents from flood risk in accordance with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019*

Demountable flood defence barrier/flood gate for basement car park

27. The development hereby permitted must not be commenced until such time as a specification for the demountable (or other type of) flood defence barrier/flood gate for the basement car park, details of the level of protection it will provide and a schedule for maintenance and inspection of the demountable flood defence barrier/flood gate once installed has been submitted to, and approved in writing by, the Local Planning Authority.

Reason. *Further details of the type of barrier/flood gate are required, including the expected level of protection it will provide before installation to ensure it will be adequate in accordance with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019*

Flood Risk & Safe Access

28. Prior to the occupation of any phase or part of the development, a Flood Risk Management Plan for each phase or part of the development shall be submitted to and approved in writing by the Local Planning Authority. It shall include the ongoing arrangements for the provision, dissemination and updating of flood risk information

and means of safe access and escape for occupiers of the site. The Plan thereby approved shall be implemented upon the first occupation of each respective phase or part, including the provision of any escape routes contained in the Flood Risk Management Plan and shall be permanently adhered to unless the Local Planning Authority gives prior written approval for any variation.

Reason: *To manage residual risks of flooding to the proposed development and future occupants, in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 164 - 167 of the NPPF 2021.*

Temporary Floodrisk Management

29. In the event that any building is to be occupied before the full completion of all flood risk defence and management measures for the site, details of any temporary flood defence and management provisions shall be first submitted to and approved in writing by the Local Planning Authority and shall be fully implemented during such interim period.

Reason: *To manage residual risks of flooding to the proposed development and future occupants, in accordance with policy 36 of the Adur Local Plan 2017 and SH6 of the Shoreham Harbour Joint Area Action Plan 2019.*

Drainage 1 - Details of Foul & Surface Drainage

30. No works except Enabling Works shall take place until details of the proposed means of foul and surface water sewerage disposal including a timetable for its provision, in liaison with Southern Water and assessment of pollution risks with any measures necessary for its control or mitigation, have been submitted to, and approved in writing, by the Local Planning Authority in consultation with Southern Water. This shall include any details of development phasing necessary to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. The development shall then be carried out to comply with the agreed details, timetable and phasing.

Reason: *To ensure that the proposed development is satisfactorily drained in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2019.*

Drainage 2 – Sustainable Surface Water Drainage

31. No works except Enabling Works and site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of

preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. It shall include the following:

- a) a 30 year climate change rainfall event combined with a 2121 MHWS tide, to demonstrate no flooding;
- b) a 100 year climate change rainfall event combined with a 2121 MHWS tide, to demonstrate flooding on site is safely managed and does not increase flood risk elsewhere;
- c) a 2 year climate change rainfall rain-fall event combined with a 2121 200 year tide, to demonstrate flooding on site is safely managed and does not increase flood risk elsewhere, and
- d) Winter groundwater monitoring data to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage.

Details shall also include measures to manage and intercept any pollution risks, including risks to controlled waters with measures for control and mitigation of these risks. No building shall be occupied until the complete surface water drainage system serving it has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: *To ensure that the proposed development is satisfactorily drained and managed and manage any risk of contamination which could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). where controlled waters, were particularly sensitive in this location. This is in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019.*

Drainage 3 – As-Built Records

- 32. Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by a qualified engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be permanently maintained in perpetuity.

Reason: *To ensure that the proposed development is satisfactorily drained and managed in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2019.*

Drainage 4 - Management

- 33. i) With the exception of Enabling Works Development shall not commence until full

details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life.

ii) Upon the completed construction of any phase of the surface water drainage system, the owner or management company shall permanently strictly adhere to and implement the recommendations contained within the manual.

Reason: *To ensure that the proposed development is satisfactorily drained and managed in accordance with Policy 36 of the Adur Local Plan 2017, SH6 of the Shoreham Harbour Joint Area Action Plan 2019 and paras 163-165 of the National Planning Policy Framework, 2019.*

Remediation and Groundwater

34. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- i) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be fully implemented as approved, any changes to these components shall require the prior written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: *To safeguard groundwater, controlled waters and aquifer from risk of presence of contaminants at the development site, in accordance with NPPF paras 174- 183, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Remediation Verification

35. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: *To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF and in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Previously Unidentified Contamination

36. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall then be implemented as approved.

Reason: *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, in accordance with para 174 of the National Planning Policy Framework 2021, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Piling Works & Contamination

37. With the exception of any Enabling Works and unless otherwise agreed in writing by the Local Planning Authority, no development shall take place until details of any foundation design and method using piling or penetrative methods have been submitted and approved in writing by the Local Planning Authority including information to show that there is no resultant unacceptable risk to the water environment, including groundwater and the River Adur. The development shall be carried out in accordance with the approved details.

Reason: *To manage existing site contamination to prevent harm to human health and to protect the water environment including groundwater and the River Adur, because piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, mobilising contamination, drilling through different aquifers and creating preferential pathways. This is required in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019, Policy 34 of the Adur Local Plan 2017 and Policies SH6 & SH7 of the Shoreham Harbour Joint Area Action Plan 2019.*

Sustainability - Heating Network

38. With the exception of Enabling Works, no development shall take, unless otherwise agreed in writing, until the following details have been submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the details thereby approved:
- i. Details which identify the supply of all space heating and hot water in the buildings by a centralised, communal wet system,
 - ii. Details which identify and safeguard plant room space for the future installation of heat interface equipment, and/or other plant, required for future connection to a future heat network,
 - iii. Details of a safeguarded pipe run into, through, and out of the site to connect the plant rooms with the proposed heat network,
 - iv. A strategy to facilitate the connection of the network to the development; and
 - v. A strategy to facilitate access to the site and plant rooms for the heat network developer to carry out works required to connect the site to the Shoreham Heat Network, lay underground infrastructure within the roads, footpaths, open space and public areas of the development, and carry out repair and maintenance work to any heat network infrastructure; and
 - vi. Measures to protect plant rooms and other related equipment from flood risk

Reason: *To enable the delivery and operation of the planned Shoreham Heat Network in accordance with Policies 8 and 19 of the Adur Local Plan and Policy SH1 of the Shoreham Harbour Joint Area Action Plan 2019.*

Sustainability & Energy

39. a) The development hereby approved shall incorporate the following sustainable energy and heat management measures, in accordance with the details in Energy & Sustainability Statement by Daedalus, dated [x] , submitted with the current application:

- Energy efficient building fabric,
- LED internal & external lighting,
- Provision of Air Source Heat Pumps and associated space and water heating systems, including a wet heating system
- Mechanical Ventilation with Heat Recovery System (MVHR), with summer bypass
- Building Energy Management Systems,
- Efficient water goods and fixtures to achieve <110L/Person/day.

Prior to development above ground level, updated calculations, including any updating of overheating and ventilation calculations and information, shall be submitted to and approved in writing by the Local Planning Authority, in order to demonstrate the CO2 and Energy efficiencies of the Energy & Sustainability Statement.

The development shall be implemented and maintained in accordance with the details thereby approved, including the updated calculations, unless the Local Planning Authority gives prior written approval for any variation.

b) Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have achieved the target CO2 reduction below the baseline model including renewable energy, as identified in the submitted Energy & Sustainability Statement and confirming the installation of water goods and fixtures to achieve a target of <110L/Person usage/day. The verification document shall include any proposed and timetabled remedial measures if these targets have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

Reason: *In accordance with the submitted application, to ensure that the development is sustainable and makes efficient use of energy, water and materials to achieve CO2 reductions having regard to the National Planning Policy Framework and policies 18 & 19 of the Adur Local Plan and SH1 of the Shoreham Harbour Joint Area Action Plan and the Council's Sustainable Energy SPD, 2019*

Noise Mitigation and Ventilation - Provision

40. Prior to the commencement of development above slab level, details of noise and vibration mitigation, including acoustic glazing, mechanical ventilation and heat recovery systems together with an updated overheating assessment, shall be submitted to and approved in writing by the Local Planning Authority. Details shall also include any necessary measures to minimise risks of noise and vibration from any lifts or other plant provided as part of the development. This condition shall apply notwithstanding any information contained in the current application

Reason: *To protect residents from noise and vibration in accordance with policy 15 of the Adur Local Plan and SH1 of the Shoreham Harbour Joint Area Action Plan.*

41. Noise Mitigation and Ventilation - Verification

No development shall be occupied until all noise mitigation and ventilation approved under condition [x] above has been completed and details of the post implementation independent verification have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise & vibration. Any remedial actions arising from this verification testing which are then required by the Local Planning Authority shall also be implemented and permanently retained and maintained thereafter.

Reason: *To protect residents from noise and vibration in accordance with policy 15 of the Adur Local Plan and SH1 of the Shoreham Harbour Joint Area Action Plan.*

Air Quality Mitigation

42. With the exception of the Enabling Works, development shall not commence until full details of all proposed operational phase air quality mitigation measures for that respective phase have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall either be equal to the values of [x] for or shall comprise in whole or part, the provision of a financial contribution (s) in accordance with [Schedule x] of the s.106 Legal Agreement which forms part of this approval.

The development shall be implemented in full accordance with the details thereby approved. If required, a verification report shall be submitted to and approved in writing by the Local Planning Authority on completion of the respective phase of development to demonstrate and confirm that the operational phase air quality mitigation measures thereby approved have been implemented and have achieved mitigation equal to the value identified.

Reason: *To minimise emissions and impact on air quality in accordance with Policies 16 & 17 of the Adur Local Plan 2017 and the National Planning Policy Framework, 2021.*

Levels

43. The development hereby approved shall be carried out in accordance with the existing and proposed site levels shown in drawings:

[insert drawing number]

No other raising of levels shall be carried without the prior written approval of the Local Planning Authority

Reason: *In the interests of clarity and to minimise floodrisk and because changes in levels may materially affect the appearance and impact of the development, in accordance with policies 15, 36 of the Adur Local Plan 2017, SH6 and SH9 of the Shoreham Harbour Joint Area Action Plan 2019.*

Aerials / Antennae

44. Prior to the occupation of each individual building, details of any external aerial/antenna and / or satellite dish (if any) for that building, shall first be submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building in areas which are visible from outside the site, unless details have first been submitted to and approved by the Local Planning Authority.

Reason: *To avoid multiple aerial / antenna and / or satellite dishes, in order to safeguard the appearance of the development and impact on the setting of the Kingston Buci Lighthouse.*

Obscure Glazing & Privacy Screens

45. *To bathroom and other windows as necessary detailed wording to be provided*

Fire Hydrants & Water Supply

46. Prior to the commencement of the development details showing the proposed location of fire hydrants or stored water supply required to serve the development, shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. Any new or replacement hydrants or water supply forming part of the details thereby approved shall be installed at the expense of the site developer or owner, prior to occupation of the site (or any phase of the development in the event of a phased programme), in the approved location (s) to BS 750 standards (or any updated BS standard) and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

Reason: *In the interests of amenity and in accordance with policy 29 of the Adur Local Plan 2017 and in accordance with The Fire & Rescue Service Act 2004.*

Construction Environment Management Plan - Development

47. Prior to commencement of enabling works no development shall take place, until a Construction Management Plan in respect of these works has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The

Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a) the anticipated number, frequency and types of vehicles used during construction,
- b) the method of access and routing of vehicles during construction,
- c) the parking of vehicles by site operatives and visitors,
- d) the loading and unloading of plant, materials and waste,
- e) the location of any site compound and site office,
- f) the storage of plant and materials used in construction of the development,
- g) arrangements for efficient construction waste management,
- h) measures to be place to deal with minimise risk of and respond to any accidental spillages including containment and clear-up,
- i) a Dust Management Plan incorporating the dust control measures,
- j) a commitment to no burning on site,
- k) the erection and maintenance of security hoarding, including provision of public information about the development and viewing ports,
- l) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- m) Arrangements for regular and responsive traffic management liaison with other imminent or active development sites in the Western Harbour Arm and A259 Brighton Road,
- n) details of any external lighting during the development//construction period, including provisions to avoid any hazards to shipping and activities at Shoreham Harbour Port, in liaison with the Shoreham Port Authority,
- o) details of public engagement both prior to and during construction works including neighbouring and nearby residents (including those at Shoreham Beach), businesses and other occupiers.

Reason: *In the interests of highway safety and the amenities of the area and to minimise the risk of pollution, hazards and noise and to safeguard the amenities of neighbouring and nearby occupiers during the period of development works in accordance with Policies 8, 15, 28 & 34 of the Adur Local Plan, 2017.*

Hours of Work - Development

48. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours

Saturday 08:30 - 13:00 Hours

Sundays and Bank / Public Holidays no work is permitted.

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The

contractor shall notify the local residents in writing at least three days before any such works.

Reason: *To safeguard the amenities of neighbouring and nearby occupiers during the period of development works in accordance with Policies 8, 15, 28 & 34 of the Adur Local Plan, 2017*

Archaeology

49. Prior to commencement of enabling works an archaeological investigation of the area subject to those works, including below ground and investigation and recording of the existing flint building on the site, shall be carried out at the expense of the developer in accordance with a specification (written scheme of investigation) to be submitted to and agreed by the Local Planning Authority in writing before the commencement of building works, excluding demolition.

Reason: *To ensure appropriate investigation and recording of archaeological heritage assets on the site prior to commencement of new building works. Policy: National Planning Policy Framework paragraphs 204-205; Adur Local Plan 2017 Policy 16.*

50. Tree Pits

[Details of design, irrigation, maintenance to be approved and implemented]

51. Any other appropriate conditions



Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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Principal Planning Officer (Major Applications)
Town Hall
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Schedule of other matters

1.0 Council Priority

1.1 As referred to in individual application reports, the priorities being:-

- to protect front line services
- to promote a clean, green and sustainable environment
- to support and improve the local economy
- to work in partnerships to promote health and wellbeing in our communities
- to ensure value for money and low Council Tax

2.0 Specific Action Plans

2.1 As referred to in individual application reports.

3.0 Sustainability Issues

3.1 As referred to in individual application reports.

4.0 Equality Issues

4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

5.1 As referred to in individual application reports.

6.0 Human Rights Issues

6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.

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ADDENDUM REPORT

Application Number:	AWDM/2039/22	Recommendation - Approve subject to a s.106 Agreement, the receipt of additional information and outstanding consultee responses.
Site:	69 - 75 Brighton Road, Shoreham-By-Sea, West Sussex	
Proposal:	Demolition of existing buildings, construction of 176no. one and two bedroom residential apartments and commercial development over 4 blocks between 5 and 9 levels, basement parking and raised deck, new highway access, flood defences, drainage infrastructure, landscaping and ancillary development. (Including changes in heights and reduction from previously proposed 183no. apartments to 176no.).	
Applicant:	Shoreham Brighton Road Ltd	Ward: St Mary's
Agent:	Waller Planning	
Case Officer:	Stephen Cantwell	

Updated Information

The applicant has made the following comments in relation to the policies on building heights as set out in the Committee report:

“At the previous committee meeting there were numerous comments from Members suggesting that the JAAP only allows for development of 5 storeys on this site, and that references to the possibility of taller buildings being acceptable were limited to sites WH3, WH4 and WH5, which are in the centre of the Western Harbour Arm. These sites are mentioned in paragraph 4.7.761 of the JAAP, in the context that development within them may interfere with views of the South Downs, and this is why their height needs to be considered carefully.

This limitation doesn't apply to this site (WH7), and nor would there be any harm to the setting of St Mary de Haura Church (the other point on which the JAAP and Tall Buildings Study suggest height should be limited (as is already confirmed within the committee report). That means that development on this site isn't specifically limited in scale by the policy, subject to the allowance for 5 storeys on the road and

river frontages, and then stepping up into the site. Policy CA7, part 8, allows for this on deeper sites.”

Regarding the heating strategy, the applicant has made the following comments (summarised by Officers):

The proposed heat strategy is considered favourable as it would be easier to install and maintain. There would also be carbon savings through less steel required in the roof to house compounds. There would also be less infrastructure required than for a connection to the District Heating Network. At present there is no certainty as to when a District Heating Network would be provided, so it would be unreasonable to impose such a requirement notwithstanding it being set out in planning policy, particularly as technology has since advanced. Any retrofitting of a District Heating system would be cost ineffective, the possible costs would be £12 - £15,000 per unit.

Other comments raised by the applicant include the following:

- The applicant wishes to increase its offer to 6 car club spaces, to increase to 8 subject to demand.
- The applicant will also increase the number of EV spaces to 41% with passive provision made for all other spaces to be upgraded in the future.
- The amount of cycle parking is 411, not 359 as set out in the report. This exceeds the minimum County standards.
- The parking ratio for Free Wharf will be reduced to 0.65 spaces per apartment following the grant of permission for an additional 47 apartments on this site.
- An updated Daylight and Sunlight Assessment is being produced and should be available in advance of the committee.
- The applicant has notified the Council that it has now appealed against the previous refusal.

The applicant also notes that the Committee report is not based on the most up to date images provided of the proposed development and has requested that these are made available prior to the Committee meeting. The key images are appended.

Correction

Parking (pg 53), should read as follows:

In the amended proposal the number of car parking spaces is 79 compared with 81 previously. This change and the reduced number of dwellings increases the car parking ratio slightly to 0.449/dwelling (0.44 previously). These spaces are all in the basement and include 12 wheelchair user spaces, located close to lifts.

The HSE provided a consultation response dated 14th February 2023 primarily setting out concern about the access arrangements to the basement. Officers are awaiting comment on the amended plans which have sought to address the comments by providing separate staircases and lifts going to the basement

adjacent to Blocks 2, 3 and 4, which are separate from the stairs and lifts which serve the buildings' upper floors. The agent also points out that this would benefit the public wanting to access car club spaces.

Consultee Responses

WSSC Highways (additional comment relating to S106 contribution request from Network Rail)

No objection in principle to the contribution requested by Network Rail (of £8k towards improvements to Shoreham Railway Station) being made through part of the financial contribution in the S106, subject to adequate details being provided; but they will endeavour to work with Network Rail to find alternative funding for the station improvements in advance of this development coming forward.

Environmental Health - Air Quality

Further to my previous email of 14 September 2022, I make the following comments in relation to the revised Air Quality Impact Assessment dated 21 September 2022.

Section 5.3 Industrial Emissions states "there are no sites within close proximity of the development site that could be affecting air pollutant levels." This is technically incorrect, there is a Part B installation (petrol station) approximately 300m to the east. This has been addressed in the revised report.

The difference between baseline concentrations and predicted future concentrations have now been supplied for NO2, but not consistently for PM.

Of importance here are several factors.

- 1) The effect of creating a street canyon as a result of this development and that proposed for the Civic Centre opposite;*
- 2) The cumulative impacts*
- 3) The new Environment Act 2021 targets for PM2.5.*

Taking the street canyon first, the report concludes that " although the proposed redevelopment of the Civic Centre site would be predicted to lead to an increase in pollutant concentrations owing to the street canyon effect, that pollutant concentrations at the proposed development would still be expected to be below the National Air Quality Objectives."

It is correct that the predicted figures for NO2 and PM10 are below the current national objectives. The increases for NO2 are considered 'negligible' and 'moderate' using the IAQM planning guidance (table copied below). It can however be argued that the result of creating a street canyon is to increase levels of NO2 by up to 25%. Even though these are below the national objectives this is at a time when we are trying to reduce levels of NO2 in the AQMA and thus this is unwelcome.

Long term average Concentration at receptor in assessment year	% Change in concentration relative to Air Quality Assessment Level (AQAL)			
	1	2-5	6-10	>10
75% or less of AQAL	Negligible	Negligible	Slight	Moderate
76-94% of AQAL	Negligible	Slight	Moderate	Moderate
95-102% of AQAL	Slight	Moderate	Moderate	Substantial
103-109% of AQAL	Moderate	Moderate	Substantial	Substantial
110% or more of AQAL	Moderate	Substantial	Substantial	Substantial

Impacts off site appear to be limited and 'negligible'.

The point of a cumulative impact assessment is to ensure any new development does not contribute to a “creeping baseline”. Many individual schemes may be deemed insignificant in themselves, however, when viewed together can result in reduced air quality over time.

Section 7.2 of the report concludes "The results show that the percentage change in concentrations relative to [the objectives] is high enough at some properties to give rise to impacts that can be described as on the borderline between “Negligible” and “Slight adverse” at 28 New Road, 46 New Road and 68 New Road (within rounding error); and “Slight adverse” at the ground floor of 63A New Road."

The report goes on to state that "the traffic generated by the proposed development makes up only ~2.5% of the total traffic generated by all cumulative development".

In this case the predicted levels of NO₂ off site are still approx 50% of the national objective and as such the impacts can be considered to be minimal, although again anything increasing levels is unwelcome.

Since this assessment was produced the government has announced new 'targets' for levels of PM_{2.5} under the Environment Act 2021. This states " The annual mean concentration target is that by the end of 31st December 2040 the annual mean level of PM_{2.5} in ambient air must be equal to or less than 10 µg/m³ (“the target level”).". This development states it will increase levels of PM_{2.5} up to 13.5ug/m³ on site and 12.1ug/m³ off site (12.5ug/m³ cumulative impact). It is appreciated that the target relates to 2040.

Overall the development will have a negative effect on air quality, particularly when other developments are taken into account. Levels of NO₂ and PM₁₀ are below the national objectives, however the levels of PM_{2.5} are above the new target (for 2040). The NPPF states that: “Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan” . Our local air quality

action plan is in [draft form](#) and consultation recently closed, however we are still reviewing the comments so the final plan is not ready.

The damage cost calculated still appears rather low for a development of this size. In terms of proposed mitigation I welcome the commitment to car clubs, especially working with other developments nearby. This should be incorporated into a condition if permission is granted. The planting of trees should be carefully considered and vegetation (including trees) should be selected to those that have been proven to reduce/mitigate air pollution.

The proposed construction phase mitigation should be required by condition, perhaps as part of a CEM'

Representations:

Cllr Julia Watts: Queried whether there is an updated sunlight and daylight report in view of the June 2022 guidelines on this site as well as the changes to the scheme.

Officer comment - an updated daylight and sunlight report is to be provided in advance of the meeting, however, the applicant has advised that the conclusions are unlikely to change in relation to the impact on neighbouring properties.

Two additional letters of objection from members of the public have been received raising the following points:

- Design - the development is cramped and the density is excessive for the space in question. Concern about the cumulative impact of development in the area surrounding the site.
- Concern about lack of affordable housing, and that the type of housing being provided will not meet local needs.
- Highways - Insufficient parking spaces and community facilities, including play space - people will still seek to own cars and public transport is insufficient.
- Infrastructure provision. Concern about impact on provision for school school places and other social infrastructure, including access to health care. Concern about capacity of the drainage system to serve the development.
- Concern that there is no benefit to the community, arising from the proposed development.

Recommendation

As per the Agenda, however, negotiations on the detailed wording of the conditions are ongoing and Members will be updated at the meeting.

Revised Design

Previous application (AWDM/1473/21)



Current application (AWDM/2039/22) - With ASHP Removed



Revised Design

Previous application (AWDM/1473/21)



Current application (AWDM/2039/22) - With ASHP Removed



Revised Design

Previous application (AWDM/1473/21)



Current application (AWDM/2039/22) - With ASHP Removed



Revised Design

Previous application (AWDM/1473/21)



Current application (AWDM/2039/22) - With ASHP Removed



Revised Design

Previous application (AWDM/1473/21)



Current application (AWDM/2039/22) - With ASHP Removed



Adur Planning Committee

20 March 2023

Agenda Item no. 8



ADUR DISTRICT
C O U N C I L

Ward: All

Proposed Revision to Pre-Application Charging Fees

Report by the Director for Economy

1.0 Summary

- 1.1 In 2010, the Council first agreed to charge for pre-application advice, although this was not implemented at the time due to an ongoing service review and the recession at the time.
- 1.2 In 2015, the Committee considered the matter again and agreed to commence the charge for pre-application advice for residential and commercial proposals.
- 1.2 In 2019, the charges were reviewed, with a report to Members considered at the January 2019 meeting. This updated the pre-application charges following a benchmarking exercise against other Council's charges and in particular it was noted that most other authorities were charging for householder advice and accordingly a pre-application fee for householder proposals was introduced as well as the introduction of charges for specialist listed buildings, trees, advertisement and Section 106 queries. Strategic schemes, such as New Monks Farm or Teville Gate, are subject to bespoke planning performance agreements (PPA). The current charging schedule is attached as **Appendix 1**.
- 1.3 The Committee has previously requested that the pre-application charging schedule be reviewed on a regular basis and as another 4 years have passed it is felt that the schedule should be reviewed again. The budget pressures on the Council and the Planning Service (largely due to planning fees not being

increased for several years) also means that maximising pre-application fees is increasingly important.

- 1.4 Government advice encourages pre-application discussions and such discussions are often beneficial in ensuring that the Council's planning policies are explained to an applicant at an early stage. Often, discussions at the pre-application stage reduce the length of time taken to determine an application when it is subsequently submitted. Early engagement can also secure design improvements and encourage pre-application consultation with the wider community prior to a formal application being submitted.
- 1.5 The government has long been intending to review the nationally set application fee system with the probable intention to allow local authorities to charge their own application fees. However, there has been little apparent progress on this matter since 2019 and while this remains the case, it will remain the fact that planning application charges will fall far short of covering the cost of the Service. This continues to be compounded by changes in legislation relaxing permitted development rights which means that a number of applications, mainly prior approvals, now only attract a very low fee or in some cases no fee at all.
- 1.6 The 2019 report noted that some other authorities, at that time, Brighton and Hove and Arun, had suspended their pre-application service due to high amounts of workload. It was stated at the time that there was no desire to suspend such advice in Adur & Worthing, but regrettably it was necessary to suspend pre-application advice on non-major application enquiries during the Covid period and subsequently due to workload and staff vacancies which currently remain high. Despite this, the service is now beginning to move towards the restoration of a full pre-application service with in particular smaller non-major commercial and housing schemes being dealt with by Officers where capacity allows.

2.0 Householder pre-application charges

- 2.1 As stated above, this was a new charge introduced in 2019 at £100 and £175 for extensions of over 100 square metres. A comparison with other nearby local authorities suggests that this is in the mid range of pre-application charges for such advice with fees varying between £50 (Horsham) and in excess of £200 (Brighton and Hove). It is considered that this is a newer charge (compared to those introduced in 2015) that the fee should remain unchanged.

3.0 Residential/commercial pre-application charges

- 3.1 The Council currently operates a staggered charging system for residential pre-application requests, ranging from £450 for developments of 1-4 units, £650 for developments 5-9 units, £1000 for developments of 10-49 units and rising to £1,500 and £3,000 for development above 50 and 100 dwellings respectively. A similar regime operates for commercial proposals dependent on their floorspace, the smaller charge applying for developments up to 1000 square metres and the largest for developments of over 10,000 square metres.
- 3.2 Other authorities operate a similar staggered arrangement, although with varying thresholds this can make a direct comparison somewhat difficult but across the West Sussex Authorities it appears that fees range between £300 (for minor residential applications in Arun) and £5980 (for large scale major applications in Chichester).
- 3.3 Given the limited size of Adur and Worthing, compared to other authorities, a number of the pre-application requests tend to be for 10 dwellings or below and such enquiries can involve some quite detailed research. It is considered, therefore, that there is scope to increase the fees from by £50 on both of the 1-4 and 5-9 dwellings to £500 and £700 respectively.
- 3.4 Any scheme of over 10 units, is defined as a 'major' development with as mentioned above, the minimum fee being £1,000 rising to £3,000 for 100 + dwellings. In practice, many of these larger developments are likely to require a bespoke Planning Performance Agreement (PPA) especially given the necessity to involve other external consultees such as West Sussex County Council as the Highways Authority who have their own charging regime. There may also be a need to include internal consultees, such as Environmental Health, who also charge for pre-application advice. The advantage of a PPA is that it can draw the respective parties together in single project style meetings rather than forcing an applicant to seek different, separate meetings each subject to their own pricing regimes. This also has the ability to agree submission dates and target dates for the application to be presented to the Planning Committee (all major applications are determined by the Committee).
- 3.5 It is therefore considered that while the facility to offer an individual pre-application advice for such large developments should remain (and as such the current fee structure unaltered), there should be an active encouragement to agree a PPA's with the Council which would be subject to

its own charging regime. Often there is a requirement to agree to multiple meetings and for large schemes the cost of consultation with the Regional Design Panel and, if necessary, covering the costs of any consultants required to deal with specialist aspects of the application. Often PPA's for large schemes involve pre-application fees of £15,000 plus.

4.0 Changes of Use, Listed Buildings, Advertisements and Trees

- 4.1 As noted in 2019, the above areas were types of pre-application advice where other Councils had charged for pre-application advice for sometime prior to Adur and Worthing introducing such a charge. The Change of Use pre-application charge was set at £150, whereas the others were set at £100.
- 4.2 The Change of Use charge attracts few such enquiries given many such changes do not require planning permission. Tree advice fees for pre-application charging also varies across other authorities and given that there is no formal application fee, there would be little merit in increasing the pre-application charging fee from its current level while at least retaining the facility for those to seek formal advice should they want to.
- 4.3 However, it does appear that the current charge for listed building advice and advertisements is noticeably lower than some other authorities with fees being around the £200 to £300 mark being more reflective of charges elsewhere. In terms of listed building advice, this is clearly a particularly specialist area where, as there is only one Conservation Officer dealing with both Adur and Worthing enquiries, there is also a particularly high demand for that Officer's input. In this respect, there seems little justification for the fee to be lower than for a change of use and accordingly it is suggested that the fee is raised to £150 per enquiry.
- 4.4 A similar argument can also be made in respect of advertisements where advice on proposals is most often needed when the advert affects either a Conservation Area or listed building and hence a degree of specialist advice is also required. In light of this, it is considered that a fee of £150 per enquiry would be appropriate.

5.0 Confirmation of compliance with conditions/section 106 obligations

- 5.1 The Councils continue to receive many enquiries regarding compliance with conditions from potential purchasers of properties and a charge of £125 is currently applied to such enquiries. A charge of £125 is also applied to enquiries regarding the compliance with the provisions of a Section 106

agreement.

- 5.2 It is evident that some of these queries can prove time consuming, and as some of the planning files remain off site, there can be some Officer time involved in carrying out the relevant research. The time to access some files held within the Town Hall has also increased with the greater flexible working since the pandemic. It is considered that an increase in the fee from £125 to £150 would be justified in this instance.

6.0 CONCLUSION

- 6.1 It is considered that the pre-application charging system has proved successful in the quality of pre-application advice provided and that, after 4 years, it is justified to review the charges to bring them in line with other local and comparable authorities.

7.0 RECOMMENDATION

- 7.1 **It is recommended that the Committee considers the proposed changes to the Councils Charging Schedule and recommends to the Adur and Worthing Executive Members for Regeneration that the following charges are adopted by both Councils to be implemented from the 1st April 2023.**

(to be added once agreed)

Contact Officer:

James Appleton
Head of Planning and Development
Town Hall
01903 221333
james.appleton@adur-worthing.gov.uk

Schedule of other matters

1.0 Council Priority

1.1 Protecting front line services

1.2 Ensuring value for money and low Council Tax.

2.0 Specific Action Plans

2.1 (A) Provide and develop customer driven cost effective services. (B) Generate financial capital, increase income and seek external funding sources.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 No direct HR implications arising from this report.

7.0 Reputation

7.1 It is anticipated that maintaining charging for householder enquiries will reduce the number of speculative enquiries and free up Officer time to deal with genuine proposals. Overall it is envisaged that charging for pre-application advice will enhance the reputation of the Council by ensuring that the pre-application service is appropriately funded.

8.0 Consultations

8.1 Stakeholders will be advised of the revision to the charging system following

committee consideration and Executive Member approval (if given)

9.0 Risk assessment

9.1 There is a perception that charging for pre-application advice raises the expectation of the customer about the level of service they can expect to receive, but at present a number of enquiries are received which do not attract a charge which officers are finding difficult to respond to within prescribed timescales.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership working

12.1 Matter considered and no issues identified



ADUR & WORTHING COUNCILS

Pre Application Advice Charging Scheme [Charges from 1st April 2022]

Why make a pre application enquiry?

The National Planning Policy Framework (NPPF) encourages engagement with Local Planning Authorities and local communities to achieve early consideration of fundamental planning issues and improved outcomes.

Discussions about schemes, before they are formally submitted as planning applications, can help steer proposals into a form that are more likely to be acceptable whilst leading to the reworking or dropping of proposals that appear to be fundamentally unacceptable.

Entering into pre application discussions will help save time, wasted expense and avoid frustration.

Further benefits include:

- Avoiding incomplete applications that cannot be registered
- Reducing the number of unsuccessful applications
- Reducing confrontation in the planning process
- Raising the quality of development
- Gaining community acceptance
- Securing satisfaction with the process

We will expect that guidance given by the planning officers is taken into account in the preparation and development of your proposals. Where it is evident that pre application advice has not been sought or taken into account in a subsequent planning application, the Councils may not negotiate on a scheme and applications could be determined as submitted.

What is covered by the Charging Scheme?

The charging scheme covers all requests for pre-application advice regardless of whether a meeting or written response is requested. The charging scheme includes the cost of providing specialist design, historic buildings and archaeology advice where necessary.

The following exemptions apply:

- Incidental advice or information given by telephone
- Where the works are required to meet the needs of a person's registered disability
- Discussions in relation to enforcement matters

In addition, the charging scheme will not apply to advice given to the following organisations:

- Registered Providers (Housing Associations or other charities or organisations) seeking to deliver all affordable housing. A charge would be applied if a mixed market/affordable scheme is proposed)
- Charities or community groups that are seeking to deliver local community benefit

Generally, we will expect developers and agents to seek advice on trees from arboriculture consultants and will not therefore provide advice to individuals on tree related matters. However, where this is requested, a charge will apply.

Other Council services may also impose a charge for pre-application advice. For major development proposals, Public Health and Regulation will seek a charge of £125 for initial advice on air quality, noise, odours/smoke/dust, or contaminated land issues with further charges applied if there is additional work, or for large strategic development sites.

You should also be aware that advice in relation to the highways aspects of development is available from West Sussex County Council as the Highway Authority. Advice in relation to flood risk is available from the Environment Agency.

What will it cost me to obtain advice?

We WILL charge for advice on:	Level of Charge:
Householder Extensions	£100 (inclusive of VAT)
Extensions over 100 sqm	£175 (inclusive of VAT)
Initial written advice based on a desk top study.	A subsequent meeting or further written response with Officers will be charged at the above rate.
‘Minor’ Residential development of 1-4 dwellings or Commercial floor space up to 999 sqm.	Fixed Fee £450 + VAT
Initial written advice based on a desk top study.	A subsequent meeting or further written response with Officers will be charged at the above rate.
Residential Development of 5-9 dwellings or Commercial floor space between 1,000-4,999 sqm.	Fixed Fee £650 + VAT
Up to 1 hour meeting on site or at the Council offices followed up by written advice.	Any additional meeting or further written response with Officers will be charged at the above fixed fee.
‘Major’ Residential Development of 10-49 dwellings	Fixed Fee £1,000 + VAT
Commercial floor space of 5,000 to 9,999 sqm.	Fixed Fee of £850 + VAT
Up to 1 hour meeting on site or at the Council offices followed up by written advice	Any additional meeting or further written advice with Officers will be charged at the above fixed fee.
Significant Major Residential Development	
50+ dwellings	Fixed Fee £1,500 + VAT
100 dwellings and above	Fixed Fee £3,000 + VAT
Commercial floor space of more than 10,000 sqm.	Fixed Fee £1,500 + VAT
Up to 1 hour meeting on site or at the Council offices followed up by written advice.	Each additional meeting with Officers will be charged at the above fixed fee.
Change of Use	Fixed Fee £150 + VAT
Listed Buildings (where extensions are proposed)	Fixed Fee £100 + VAT
Advertisements	Fixed Fee £100 + VAT
Trees	Fixed Fee £100 + VAT

Validation of pre-app will not take place unless/until payment is received.

Payments can be made by cheque (payable to 'Adur District Council' for applications in Adur or 'Worthing Borough Council' for applications in Worthing) or debit/credit card by telephone on 01903 221230, Monday to Friday between 10am and 4pm.

The table above outlines the service that the Councils will provide depending on the type of case involved. A written reply setting out the Councils' pre application advice will be provided in every case. Depending on the complexity of the case the Planning Officer will determine whether a site visit is necessary and more than one meeting is likely to be required 'major'/'large major' schemes. The fee payable includes the cost of specialist advice on design and heritage matters although specialist advice from West Sussex County Council is likely to incur additional charges (for access to Historic Environment Records (HERs) for instance).

For the most significant schemes or strategic scale development, a Planning Performance Agreement (PPA) is likely to be more appropriate in which the process of dealing with the proposal in accordance with a timetable, principles and procedures are agreed with the applicant. A Planning Performance Agreement would be drawn up at the pre-application stage and would lead the process through the application stage.

How do I obtain pre application advice?

Requests for pre-application advice should be made by e-mail to 'planning@adur-worthing.gov.uk' or in writing to the Planning Services Manager with a subject heading of *Pre-Application Advice*. Alternatively, you may wish to complete and send to us the Pre-Application Advice form which is available on our website. This form sets out the information required for a request to be accepted.

Upon receipt of your request for pre application advice, we will aim to contact you within 5 working days either to request further details or to confirm that your request is complete and has been allocated to a Case Officer for action.

What do I need to do before advice can be given by the Councils?

As a minimum, we will expect the following to be provided to enable your request to be actioned:

- Payment of relevant fee (by cheque, debit card or credit card)
- Completed Pre Application Advice form
- Location and site plans
- Sketch or indicative plans of the proposal
- Supporting studies/information (for major schemes)

To ensure that requests for pre-application advice are as productive as possible, applicants or their agents will be expected to provide sufficient information and plans to describe and explain their proposals including:

- An assessment of the character of the area
- An analysis of the opportunities and constraints of the site in its context.

These details will be used to promote a design led approach to the scheme and will enable the Councils to assess whether a development team including specialist officers should be brought together.

What can I expect from the process?

Requests for advice will be allocated to case officers according to their complexity. Major schemes will normally be dealt with by a senior officer. To ensure that the process is as seamless as possible, the case officer will usually deal with any subsequent planning application.

We will aim to provide a written reply or arrange a meeting within 25 working days from the date your request is accepted as complete, except for the more complex proposals where we may need to agree a longer timescale with you. We will endeavour to reply to householder enquiries quicker than this where possible.

Where a meeting is held, a written summary of the main points will be sent within 10 working days of the meeting. Our preferred method of written communication is via e-mail and this will be used wherever possible.

In the case of major development proposals, it may (at the officer's discretion) be necessary to consult statutory consultees and other groups prior to providing advice. In such cases, the pre application process may take longer in order that we are in a position to provide a comprehensive response.

The case officer will assess the submitted information and will aim to provide you with constructive comments on the scheme in relation to the following so far as they are relevant:

- Relevant development plan policies and other Council strategies that may have a bearing on the proposal
- Site constraints, e.g. statutory designations such as conservation areas, Tree Preservation Orders and other constraints including listed buildings, flood zones and rights of way.
- Relevant planning history
- The details of the proposal, i.e. the acceptability of the land use, design and amenity considerations and highways and access issues where appropriate
- Infrastructure requirements, including the need for affordable housing, open space and contributions towards Council or County Council services.

What if a subsequent decision on an application does not follow the advice I was given?

Advice given will be based on the case officer's professional judgement and assessment of the information provided. Pre-application advice whether favourable or not is given on a 'without prejudice' basis since the Councils must on submission of an application go through the statutory procedures and formal consultations and assess the outcomes before a decision can be made

Whilst advice will be given in good faith, we cannot guarantee that a subsequent planning application will be successful. We nevertheless believe that pre application

advice is an extremely important part of the planning process. Fees for pre-application advice will not be refunded and do not affect any statutory planning application fee subsequently required.

What if I disagree with the advice received?

We recognise that you may not agree with the advice you receive and it remains open to you to reject the advice and submit a formal application for determination. Except where additional meetings are deemed necessary for major and large major proposals, pre-application advice is provided for the scheme submitted only. Significant changes to a submitted enquiry may need to be the subject of a new enquiry and may require a further fee.

Confidentiality

Requests for pre application advice and the response provided will not be placed on the Councils' website. There is however the possibility that under the Freedom of Information Act, we will be asked to provide information about enquiries for advice and copies of any advice given. We will need to decide whether such information can be treated as exempt from disclosure, for example if it is clear that its release could prejudice commercial interests. You are therefore encouraged to indicate whether and for how long any information needs to remain confidential when making your request for advice.

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